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DEPARTMENT OF THE INTERIOR  
COOPERATIVE CONSERVATION LISTENING CONFERENCE

August 24, 2006 - 1:00 p.m.  
Qwest Center Omaha Convention Center  
Rooms 203-204  
455 North 10th Street  
Omaha, NE 68102

1 APPEARANCES

2

3 Dale Hall - Director, U.S. Fish and Wildlife Service

4 Monica Linnenbrink - Moderator, DJ Case & Associates

5 Mitch King - U.S. Fish and Wildlife Service, Regional

6 Director, Mountain Prairie Region

7 Steve Anschutz - U.S. Fish and Wildlife Service

8 Ecological Service, Nebraska Office

9 John Lawson - Bureau of Reclamation

10 Alice Johns - Army Corps of Engineers, Omaha Office

11 Mike George - Army Corps of Engineers, Omaha Office

12 Robert B. Swanson - U.S. Geological Survey

13 Lyndsy Mlady Jenness - Senator Chuck Hagel's office

14 Bark Cooksley - Agricultural Field Representative

15 Dean C. Mathisen - Congressman Lee Terry's staff

16 Jim Van Winkle - Sandhills Task Force

17 Gloria Erickson - Rainwater Basin Joint Venture

18 Don Nelson - State Director, Senator Ben Nelson's

19 Office

20 Steve Riley - Nebraska Game and Parks Commission

21

22 ALSO PRESENT:

23 Denise Lukasiewicz, Court Reporter

24 Brit and Jamie, Sign Interpreters

25

1 MS. LINNENBRINK: Good afternoon.  
2 Welcome to the sixth of 24 Cooperative Conservation  
3 Listening Sessions happening across the  
4 United States. My name is Monica Linnenbrink  
5 and I'm the moderator for today's session. I'm  
6 joined on the podium, to my left here, we have  
7 Director Dale Hall with the U.S. Fish and Wildlife  
8 Service. We have two sign interpreters over here,  
9 Brit and Jamie, and they'll be interchanging  
10 throughout the day. To my right, we have court  
11 reporter, Denise, and she will be taking the  
12 proceedings, so, please, when you come up to the  
13 microphone, say your name and spell it for her.

14 I'd like to take the time now to  
15 recognize Director Dale Hall, who has joined us here  
16 today to listen to your comments and who will be  
17 available following the meeting to provide any  
18 answers to your questions.

19 Director Hall, will you please come to  
20 the podium now and open the session with the Pledge  
21 of Allegiance and then provide any opening remarks?

22 DIRECTOR HALL: Thank you. Would you  
23 please rise and join me?

24 (The Pledge of Allegiance was said.)

25 DIRECTOR HALL: Thank you all very

1 much for coming here today. It's really great to be  
2 here in Omaha, in the Midwest, and visit some of the  
3 great territory habitats that are out there. I had  
4 a chance to visit some of our national wildlife  
5 refuges yesterday and get to see some of the prairie  
6 habitat that's so special here.

7                   We have many challenges at the  
8 Department of the Interior. We manage one-fifth of  
9 all of the lands in the United States. The land and  
10 waters that we manage produce one-third of America's  
11 energy. We provide water to 31 million Americans,  
12 manage relations with 561 Indian tribes, help  
13 protect citizens from forest fires and natural  
14 hazards, and serve some 470 million visitors at the  
15 national parks, national wildlife refuges and other  
16 public lands. Fortunately, we have many partners at  
17 the State and local level who care deeply about the  
18 environment and the land on which they live.  
19 Without this help, we simply couldn't get the job  
20 done.

21                   The resource truly belongs to all of  
22 us and only together can we make sure it's there for  
23 future generations. I don't believe all the answers  
24 rest in Washington, D.C. Indeed, many of the best  
25 answers come from the local area and the people that

1 live there, and the communities, and that have local  
2 knowledge of how to solve the problem and,  
3 oftentimes, those local problems can be solved a lot  
4 faster at the local level than from the government.

5                   We hope you're going to provide  
6 valuable insight today on your ideas, on how we can  
7 improve the ability to work with you and be real  
8 partners in conservation.

9                   You have two samples that will be  
10 given here today in the Rainwater Basin and in the  
11 Sandhills Task Force and that will give you examples  
12 of what's already going on here.

13                  President Bush understands the  
14 importance of working closely with local partners.  
15 In June, he said, we believe cooperative  
16 conservation is the best way to protect the  
17 environment. This means we must focus on the needs  
18 of states and respect the unique knowledge of local  
19 authorities, and welcome the help of private groups  
20 and volunteers. The President also said, through  
21 cooperative conservation, we're moving away from the  
22 old, environmental debates that pit one group  
23 against another and towards a system that brings  
24 citizens of every level of government together to  
25 get results. That's what we should be about,

1 getting results.

2                   Last year he held the first ever  
3 White House conference on cooperative conservation  
4 in St. Louis. More than 1300 individuals  
5 representing hundreds of organizations provided  
6 illustrations of cooperative conservation projects  
7 across the nation. Participants discussed how the  
8 nation might strengthen partnerships, dialogue and  
9 collaboration to achieve environmental goals.

10                   These partnerships among landowners,  
11 communities, the private sector, tribes, counties  
12 and states hold the nation's greatest promises for  
13 achieving environmental goals, reducing conflict and  
14 leveraging conservation success. During the next  
15 two months, as was pointed out a moment ago, we will  
16 hold 24 of these listening sessions, asking you to  
17 help us understand how we can remove obstacles to  
18 having you work with us. Also, we ask that you tell  
19 us what has been working. If there's something  
20 that's out there that we have learned to do with you  
21 that works, we want to do more of that, because we  
22 need you to get the job done. It's that simple.  
23 You need to tell us what works and what doesn't  
24 work.

25                   The meetings will focus on issues,

1 programs and policies mentioned frequently at the  
2 White House conference. On the back of those cards  
3 that you have, there are five questions that sort of  
4 summarize the major questions that came out of the  
5 White House conference. Examples are, how can the  
6 Federal government work with states, tribes and  
7 other public/private sector partners to improve  
8 science used in environmental protection and  
9 conservation? Another example might be, how can the  
10 Federal government better respect the interests of  
11 people with ownership in the land, water and other  
12 natural resources? We look forward to hearing your  
13 thoughts and ideas about the questions and then  
14 putting those into action at the conclusion of all  
15 of these sessions.

16 We want to hear from all of you here  
17 and across the country. Hearing from you will tell  
18 us whether the Fish and Wildlife Service Landowner  
19 Incentive Program is as effective as possible in  
20 conserving wildlife habitat on private lands.  
21 Hearing from you will tell us whether the Endangered  
22 Species Act is as effective as it could and should  
23 be in conserving and protecting enlisted species.  
24 And, finally, hearing from you will tell us whether  
25 we can restore even more wildlife habitat on private

1 lands through our partners for the Fish and Wildlife  
2 Program.

3                   You know, when people get together and  
4 sit around the table and talk to each other, we  
5 don't always agree, and there's a very good chance,  
6 as we move forward, there will be decisions that  
7 we'll make that you won't appreciate or agree with,  
8 but our objective here is to make it as transparent  
9 and as open, and to have you truly feel that we're  
10 listening and we're doing our best to try and  
11 respond to those within the constraints of the laws  
12 that we're working under. The process is critical;  
13 yet, without it, we can't get the kind of input from  
14 you that we really need.

15                   So I look forward to hearing your  
16 comments today, and after I sit down, I'll be  
17 listening and I'll be taking notes and we'll take  
18 the information provided by the consultant and the  
19 contractor and we'll do everything we can to make  
20 that a reality as we move forward in finding better  
21 ways to get the job done for conservation. So,  
22 again, thank you very much for being here today and  
23 I really do look forward to hearing what you have to  
24 say.

25                   MS. LINNENBRINK: Thank you, Director



1 Hall. I'd like to take the time now to ask everyone  
2 that has cell phones or any electric devices to  
3 please check them, make sure they're either turned  
4 off or in silent mode. Thank you.

5                   Next, I'd like to give a quick  
6 review of the agenda that we're going to follow  
7 today, as well as the process that we're going to  
8 follow for you guys to provide public input. First  
9 of all, I'm going to move on and provide a few  
10 introductions of some individuals here in the  
11 audience. Following those introductions, I am going  
12 to ask two representatives to come up and provide  
13 some information about some current Cooperative  
14 Conservation partnerships going on in Nebraska.  
15 Following their remarks, we'll then move into what  
16 we've all come here to do, which is to listen to  
17 your comments.

18                   The process that we're going to follow  
19 today is designed so that we can hear from everybody  
20 here in the audience. It's also designed to make  
21 sure that everybody gets the same amount of time to  
22 provide feedback. When you walked into the room,  
23 you all should have received a numbered card. I'm  
24 going to call you up based on the number of your  
25 card, starting with number one. When you come up to

1 the microphone here, I'd like you first to state  
2 your name, spell it for our court reporter here,  
3 identify the city and state where you're from, and  
4 then identify the organization that you're with, if  
5 you're representing one today. If you're not  
6 comfortable speaking today, we're also taking  
7 comments via mail, e-mail and fax. How to do that  
8 is provided on your card; the opposite side of the  
9 five Cooperative Conservation questions.

10                   What we're going to do is you're going  
11 to be given two minutes to speak today. When I call  
12 your number up, I'm going to start timing you after  
13 you say your name, your city and state and the  
14 organization that you represent, and when you reach  
15 two minutes, I'm just going to wave this flag right  
16 here so you guys can see it, and then, after I wave  
17 this little card here, you're going to have 30 more  
18 seconds to wrap up your comments. If your comments  
19 aren't wrapped up by then, I apologize, but I am  
20 going to have to cut you off so we can move on to  
21 the next person. I want to make sure that everyone  
22 here in the room has a chance to provide their  
23 comments to Director Hall.

24                   My responsibility here is two-fold.  
25 My first responsibility is to make sure that we get

1 through this process in a timely manner, and, again,  
2 I will cut you off. I do apologize; it's rude to  
3 interrupt, but I'm -- I may have to do it. My  
4 second responsibility is to make sure that you stay  
5 on topic and that you remain civil. As Director  
6 Hall pointed out, there's five questions on your  
7 card, I'm asking that you please remain on topic.  
8 You should be pretty good because they're pretty  
9 vague. As long as you talk about conservation, you  
10 should be right on track. Also, I'd like for  
11 everybody to please try and remain cordial. If you  
12 become abusive or over the top, I will cut you off  
13 then as well. We are asking that you keep your  
14 comments to two minutes, and I realize it's not that  
15 long and you don't very often get to talk to  
16 Director Hall, but please try and limit your  
17 comments to two minutes and 30 seconds.

18 (The lights went off briefly.)

19 DIRECTOR HALL: Did I talk too long?

20 MS. LINNENBRINK: Did anybody fall  
21 asleep when that happened?

22 Also, given the size and the number  
23 of this group, the sessions are designed for  
24 listening purposes, so, at this time, we will not be  
25 exchanging information, so you will not be able to

1 ask Director Hall questions. However, Director Hall  
2 will be here during break and after the session, if  
3 you have questions; he'll be happy to answer them.  
4 There's also a number of other individuals here that  
5 will be happy to answer your questions.

6 In the back of the room here, we have  
7 Mitch King. He's with the Mountain Prairie region  
8 with the U.S. Fish and Wildlife Service. He's a  
9 regional director and he'll be happy to answer  
10 your questions at break or after the session. We  
11 also have John Lawson and Angela -- excuse me --  
12 Alice Johns, from the Bureau of Reclamation, and  
13 they'll be happy to answer your questions as well.  
14 We also have Mike George from the Omaha office,  
15 he's with the Army Corps of Engineers, and then  
16 Steve Anschutz, with the Nebraska Office for the  
17 U.S. Fish and Wildlife Service, he can also answer  
18 any questions that you may have.

19 Before getting into the listening  
20 portion of this session, we do have two  
21 representatives here and they have been involved  
22 with Cooperative Conservation partnerships here  
23 in Nebraska. We believe that the projects that  
24 they have been involved in embody the spirit of  
25 cooperative conservation, so we've asked that they

1 provide a short, five-minute presentation on the  
2 projects that they have. We have, first, Mr. Jim  
3 Van Winkle, he's with the Sandhills Task Force. I'm  
4 going to ask him to please come up to the podium and  
5 explain the Cooperative Conservation Project that  
6 he's been working on.

7 MR. VAN WINKLE: Thank you, Director  
8 Hall, for coming to Nebraska, we appreciate having  
9 you.

10 Trying to capture 15 years of  
11 Cooperative Conservation work by the Task Force in  
12 three to five minutes is pretty tough duty, but,  
13 quite simply, it's a matter of all of our partners  
14 that put the needs and the interests of the resource  
15 ahead of their own priorities or their own programs.  
16 Everybody in this room is involved in a lot of  
17 partnerships, but I think ours is unique and I think  
18 that's part of the reason that it's worked out well.

19 I'm going to burn up our first minute  
20 for those that are not familiar with the Sandhills  
21 region. It's the largest contiguous grassland unit  
22 remaining in North America; over 19,000 square  
23 miles, or over a quarter of the state of Nebraska,  
24 that's relatively intact. Cattle production is the  
25 primary use; very little farming throughout our

1 area. Grass-covered dunes are the lay of the land  
2 up there. We have over a million acres of wetlands  
3 that exist, and with quite an abundance of sandhill  
4 streams and rivers, lakes, marshes, and lots of wet  
5 meadows, at least in the average years. We export  
6 huge amounts of clean water to eastern Nebraska  
7 every day, it's high quality water and it really  
8 helps fuel our economy, both in farming and in our  
9 metropolitan areas at the east end of the state. In  
10 addition to providing excellent grazing for cattle,  
11 the preservation of these diverse communities'  
12 native plants and animals has worked well in  
13 conjunction with ranching. Our Sandhills Task Force  
14 board consists of 16 volunteer members and the  
15 majority of these are composed of those who have  
16 ranching interests; I think that's been one of our  
17 secrets to success. The remaining board members  
18 represent conservation organizations and local state  
19 and Federal government.

20 Quite a few of our partners are here  
21 today, and I'm proud of all of them, they all bring  
22 something to the table. One, I think, individual  
23 that would be embarrassed if he knew I was going to  
24 identify him today, but I think that Mr. Gene Mack,  
25 with the United States Fish and Wildlife Service, as

1 a biologist, really deserves special recognition,  
2 and his role with the task force has just been pure  
3 leadership for 15 years. He brings a lot to the  
4 table, and when you throw that in with a lot of our  
5 other leaders, it's been a good mix.

6                   The task force was formed in '91  
7 and it was based on the premise that the best  
8 opportunities for conservation existed on private  
9 lands without the Sandhills. They're very fragile  
10 dunes, with a thin layer of grass, and, by  
11 necessity, landowners have become good stewards or  
12 they've moved on. Operating margins in the cattle  
13 business are notoriously thin and, historically,  
14 landowners, oftentimes, just don't have the funds  
15 available to do what they'd like to do on their land  
16 to develop certain conservation projects, whether  
17 it's design work or engineering or the construction  
18 phase. The task force funds some of these projects  
19 directly and it also helps put landowners together  
20 with all of the existing programs, whether that be a  
21 Fish and Wildlife program or a state agency program  
22 or a USDA program. Our projects range from  
23 enhancing grazing systems to development of stream  
24 restoration projects, and always the goal -- we try  
25 to keep the goal in sight that sound environmental

1 science has to be coupled with good economic  
2 resource management. So private, profitable  
3 ranching is not something that we think is an  
4 option, it's a necessity to keep the resource in  
5 good shape.

6                   Some of the reason I think the task  
7 force has been successful and weathered 15 years is  
8 that all of the projects are voluntary. We take the  
9 view, and our Board takes the view, that regulatory  
10 legislative conservation solutions generally  
11 indicate failure by the conservation community and,  
12 generally, are not well-received in our part of the  
13 world, and are also terribly cost infective, so we  
14 think that the voluntary edict or process is a lot  
15 better use of capital.

16                   We're very local in nature. Our  
17 projects reflect local perceived needs and they're  
18 not topped down. We only work on private land and  
19 that doesn't mean that we aren't well aware that  
20 there are public-land issues that exist in the  
21 Sandhills; we do have some large public holdings,  
22 but we leave those fights to others, and I think  
23 that emphasis on private lands conservation has  
24 helped us stay focused and kept us on target and  
25 allows our partners to bring resources to us.



1 and we really sincerely respect and value the  
2 opinions of landowners, especially these folks that  
3 have been there three and four generations. If the  
4 conservation community can't learn what it takes to  
5 stick to the land and have a system that's in  
6 balance, we're probably not paying good attention.  
7 So we do value these local opinions.

8                   One of the things that we have that's  
9 quite unique and it's not -- I'm not familiar with  
10 it in other land-based conservation groups -- and  
11 that is that we have a project approval process that  
12 we use, a standard wildlife extension agreement,  
13 like many others, but the first thing we get is the  
14 landowner's signature, we don't get the agency  
15 participant's signature, we get the landowner's  
16 signature first, and, followed by that, we get our  
17 board member, rancher board member that lives  
18 closest to the project, that's the second phase.  
19 And following the completion of that landowner's  
20 signature, we then -- board member landowner's  
21 signature, we then ask it to be reviewed by two  
22 biologists and by a range professional, so we hope  
23 we're getting good science coupled with practical  
24 needs and -- and I think it's a unique situation  
25 that's really worked well for us.

1                   In conclusion, I think that this  
2 community-based conservation concept that we're here  
3 to talk about today is really the only alternative  
4 for sustainable, long-term conservation goals to be  
5 met on private lands throughout the Great Plains,  
6 and, hopefully, this will move us all a little  
7 closer today by the time we get these five questions  
8 answered.

9                   MS. LINNENBRINK: Thank you, Jim.

10                  Next, our last presenter here today is  
11 Gloria Erickson. I'd like to ask her to come up to  
12 the podium right now. She's going to provide a  
13 presentation on the Rainwater Basin Joint Venture  
14 project.

15                  MS. ERICKSON: Thank you very much  
16 for having this listening session. And, you know,  
17 the two projects that were identified, to give you  
18 a little background on, the Sandhills Task Force  
19 and the Rainwater Basin Joint Venture, are those  
20 that are very successful and they're all done in  
21 partnerships. In this state, 97 percent of the  
22 land is in private ownership. So if you're going  
23 to do some conservation work, it's not only  
24 suggested, it's mandatory that you deal with private  
25 landowners. The thing that the Rainwater Basin

1 Joint Venture does is that it -- fully, one-third of  
2 the management board is made up of landowners. You  
3 know, it's very important when you make plans that  
4 you actually have a place on which to implement  
5 those plans. And so a site is located and then the  
6 plans are made around what is able to -- to restore  
7 in that particular wetland. And a lot of times in  
8 the Rainwater Basin Joint Venture, in our projects,  
9 what happens is that you have a landowner, a farmer,  
10 who has a water problem, he has some acres that are  
11 constantly under water, that's not good for him and  
12 it's probably not good for the ducks and geese  
13 either. And so through -- with our coordinator, and  
14 through contacts in our partnership group, they all  
15 come together to solve the water problem so the  
16 farmer has some value from this project, and, at the  
17 same time, a wetland is restored and wildlife has a  
18 benefit.

19                   The joint ventures all across the  
20 country were formed in 1986 following the North  
21 American Water Fowl Plan, when there was a big dip  
22 in the number of ducks and geese. It has been an  
23 extremely valuable and successful project. This  
24 joint venture provides incentives to landowners to  
25 participate voluntarily in wetland enhancements.

1 The joint venture was organized and is structured to  
2 facilitate communication and cooperation between  
3 governmental agencies and conservation organizations  
4 for the objective of on-the-ground conservation;  
5 actually making a place for birds to live. You  
6 know, sometimes our plans are very big and broad and  
7 become so large that we forget what the -- what the  
8 basics are. We've got to get dirt moved, dikes dug  
9 out, pits filled, in order to provide the proper  
10 habitat.

11                   The Joint Venture's primary tool  
12 for inter-government cooperation and landowner  
13 involvement is communication, and the thing that  
14 the -- in the Rainwater Basin, the fact that there  
15 are three -- or, excuse me, 30 percent of the board  
16 is made up of landowners, the thing that I think is  
17 so important in a partnership, particularly on  
18 private land, is that you have that landowner in  
19 the process at the very beginning, because they'll  
20 have some suggestions as to whether this is going to  
21 work on private land or not. And it gives them an  
22 opportunity to buy into the project, and, thereby,  
23 you change the attitude and you change the culture.  
24 And that's what I think is so important in wildlife  
25 conservation, particularly in a state like ours, is

1     that you have to have the people buying into the  
2     project, and you've got to have them involved in  
3     order to do that.

4                     So I thank you for this opportunity to  
5     talk about the -- the Rainwater Basin Joint Venture.  
6     And I, too, would like to compliment the Service on  
7     their staff, their employees that they have in  
8     Nebraska. Steve Anschutz has been a friend for many  
9     years and -- and I will say that Steve Moran has  
10    done a great, great deal in this state as far as  
11    wetland management is concerned. And the other  
12    individual, and I'll concur with Gene Mack, because  
13    what these individuals do is they create that bridge  
14    between landowners that are just -- they're  
15    cautious, that comes out of the overzealousness of  
16    the '70s, they're very cautious about dealing with  
17    Fish and Wildlife Service -- but those individuals  
18    have done a lot about building bridges, and I  
19    appreciate that, and I thank you for keeping them  
20    here and not taking them to Washington. So thank  
21    you very much, and I appreciate this opportunity.

22                     MS. LINNENBRINK: Thank you, Gloria.  
23     Those are great projects.

24                     I'd like to take the time now to  
25     recognize some representatives here in the audience.

1 They've taken time out of their day to come here  
2 and I just want to make sure that we recommend --  
3 recognize them.

4                   From the Nebraska Game and Parks  
5 Commission, we have Steve Riley, he's back  
6 there in the back, many of you may know him.  
7 from Congressman Lee Terry's office we have  
8 Dean Mathisen, he's over there in the corner --  
9 everybody is sitting there in the back, I see.  
10 Also, we have Bark Cooksley, right here in front of  
11 me, she is from Congressman Tom Osborne's office.  
12 And then we also have Lyndsy Jenness -- I apologize  
13 if I mispronounced your last name -- and she is a  
14 constituent services representative from Senator  
15 Chuck Hagel's office. I'd like to take the time  
16 now -- we have a representative, the State Director,  
17 Don Nelson, from Senator Nelson's office here, and  
18 before we open the public listening session, I would  
19 ask that Don come up here and express his comments  
20 before we get started -- or you can go right there,  
21 sir. I'm sorry to confuse you.

22                   MR. NELSON: I'm perfectly happy down  
23 here, the cheap seats, you know.

24                   Thank you for coming to Nebraska.  
25 I'll make a half-dozen points on behalf of the

1 Great Plains in the United States because we feel  
2 like we have some unique situations when it comes to  
3 cooperation on conservation efforts. First of all,  
4 I'd ask that you formally expand your five agency  
5 logo to include our brothers and sisters in the  
6 United States Army Corps of Engineers, I'm glad  
7 we've got them here, but they often become a pivotal  
8 agency for us in terms of conservation, and more so  
9 with each congressional budget development, so we  
10 think we need to add the Corps of Engineers.  
11 Whether you love them or not, they are an  
12 indispensable partner on the great plains.

13 Just having returned from two days in  
14 Northwest Nebraska and having the rangeland fires at  
15 the top of my mind, I'd like to put in a pitch for  
16 some additional flexibility within your agency for  
17 haying and grazing on service lands. Currently,  
18 service lands don't have the flexibility the bureau  
19 land management has, or some of the USDA properties  
20 or landowner share programs that USDA has. I've  
21 given this material to Mitch King, the regional  
22 director, he'll be looking into it, but I promised a  
23 bunch of the ranchers last night in the Sandhills  
24 that I'd speak out on their behalf when the Senator  
25 and I spend two days with them.

1                   We have a Nebraska model we'd like to  
2     introduce to you and suggest that perhaps you spread  
3     it nationwide, and that is the annual U.S. Fish and  
4     Wildlife meeting with the staffs of the members of  
5     Congress. We solve lots of problems when we meet  
6     annually, they are spectacular hosts, they don't  
7     charge us too much for the evening event, the social  
8     event, and we've done an awful lot in the six years  
  
9     that I've been around, and many people who join our  
10    group from other states remark that they wish this  
11    could be done, so I would recommend that you expand  
12    it not only on an intra-agency basis within the  
13    Department of Interiors family, but, more  
14    importantly, look at the possibility of expanding it  
15    on an inter-agency basis.

16                  The last part of my presentation, why  
17    we need additional tools to assist us in cooperative  
18    conservation. Number one, most of the fabulous  
19    experiences that I've had over the past six years  
20    coming back to public service have been driven  
21    largely by strength of personality. I think that's  
22    risky in any organization and I think the systems  
23    have to transcend individual personalities coming  
24    and going if we're going to be responsive to  
25    citizens and governments.



1                   The second reason I think we need  
2 additional tools is that there is constant downward  
3 pressure on financing every conservation program,  
4 and that's just the nature of the pressure on the  
5 Congressional budget, so more and more we have to do  
6 with less and less. The specific things that I  
7 would recommend, looking back 35 years when we had  
8 the Integrated Grant Administration, or IGA, that  
9 came out of the Nixon administration, we looked at  
10 that because that gave us a way to fund some  
11 projects on an inter-agency basis by using multiple  
12 agency financial resources but having a so-called  
13 lead agency. We were able to telescope many of the  
14 competing requirements of different agencies; that's  
15 a great model. Secondly, we also had federal  
16 regional councils back then for all federal agencies  
17 which were located in each of the 10 multi-state  
18 regions. They would meet once a month or every six  
19 weeks, and invite state agency counterparts to come  
20 in and talk about it. It became an effort --

21                   MS. LINNENBRINK: Thirty more seconds.

22                   MR. NELSON: -- that fell out of  
23 favor, but I think it's something we ought to do.  
24 We have a whole list of projects that we're proud of  
25 in Nebraska, all involving the Department of

1 Interior, but, more importantly, involving the other  
2 four agencies, including the Corps of Engineers.  
3 Thank you very much.

4 MS. LINNENBRINK: Thank you.

5 Okay. Before I open the public  
6 comment section of the listening session, I do  
7 want to review the process that we're going to  
8 follow one more time. I saw a few people kind of  
9 trickle in here at the end. Again, you all should  
10 have received a public comment card, they're all  
11 numbered. I'm going to start with number one. I'm  
12 going to ask number one first to come up to the  
13 microphone. When you approach the microphone, start  
14 your comments by providing your name, spell your  
15 name, identify the city and state where you're from,  
16 and then also identify the organization that you're  
17 representing, if any organization.

18 Denise, over here, is capturing the  
19 proceedings, so that's one of the reasons you need  
20 to spell your name. If you're not comfortable  
21 speaking today, on the reverse side of your card,  
22 there are three ways that you can provide comments.  
23 You can either send them in via e-mail, fax or mail,  
24 and all of the ways to do that are described on the  
25 back of the card. All of these methods are weighted

1   equally, so if you send in written comments, they  
2   will be weighted just the same as if you provided  
3   verbal comments. Again, you're going to have two  
4   minutes for public comment. After two minutes is  
5   up, I'm going to wave this green flag, probably  
6   right here, so you can see it, I'll give you 30 more  
7   seconds to wrap it up and then I'll have to cut you  
8   off; I do apologize. Again, I'm here to keep things  
9   moving along and to also make sure that people  
10   remain on topic. "On topic" is to remain underneath  
11   those five questions on the back of the card and  
12   also to make sure that you remain civil. If anybody  
13   becomes abusive, I will also cut you off, and I do  
14   apologize for that.

15                   So we're going to start this. Right  
16   now, I'd like to ask for card number one to come on  
17   down to the microphone. There are a few chairs  
18   right here up at the front, so if you are card  
19   number two through five, if you'd come up and just  
20   be ready, I want to make sure we can get through  
21   this and make sure everybody gets a chance to talk.  
22   Thank you.

23                   You're number one. You have to talk  
24   kind of loud into that.

25                   MR. SIMPSON: My name is Edward,

1 E-D-W-A-R-D, Simpson, S-I-M-P-S-O-N. I reside in  
2 Omaha, Nebraska and I am here today as a private  
3 citizen. In 1990, I was a development team leader  
4 for a five-building office park being constructed in  
5 Boulder, Colorado on a seven-acre site contiguous to  
6 Boulder Creek. A portion of the site had been  
7 identified as wetlands and during our due diligence  
8 and project feasibility analyses, we had taken that  
9 into account in our design. Consequently, all  
10 project engineering accounted for this fact and,  
11 indeed, the wetlands portion was an amenity of our  
12 development. A permit to work in and modify the  
13 wetlands from the Corps of Engineers was in hand.  
14 Shortly after I began site grading, I received a  
15 telephone call from an official with the Corps  
16 advising the previously issued wetlands permit was  
17 being suspended immediately and to stop work. I  
18 essentially learned that individuals walking the  
19 creek path had discovered a suspected population of  
20 a Ute ladies'-tresses orchid on the site and  
21 contacted Fish and Wildlife, and, in turn, contacted  
22 the Corps. At the time, that plant was under  
23 consideration for listing as a candidate for listing  
24 as a threatened species under the Endangered Species  
25 Act. Nine months and some \$53,000 later, I was

1 permitted to restart construction.

2                   Some key points: The Corps likely did  
3 not have full legal authority for the action they  
4 took to request Fish and Wildlife to withdraw the  
5 permit. For corroboration, I would refer to Federal  
6 Register, Volume 57, Number 12, page 2,051. The  
7 action taken by the Corps on behalf of Fish and  
8 Wildlife was for a species not even yet listed as a  
9 candidate. We, the developers, chose to work with  
10 the agencies rather than pursue legal relief. We  
11 acted as the mediators and the coordinators among  
12 agencies which, frankly, face shifting personnel,  
13 restricted funding and had no formal processes of  
14 communication and processing. We, with their  
15 cooperation, preserved the ladies'-tresses orchid  
16 habitat on this site, which I'm very proud of, and,  
17 in some respects, I would say, from a legal  
18 perspective, we did so in spite of them.

19                   The real reason I'm here today is I  
20 applaud the current efforts to enhance cooperative  
21 conservation. The root of that success will depend  
22 on good environmental laws that are current, clear  
23 and concise, transparent, and that can be uniformly  
24 and reasonably interpreted and enforced. The  
25 Endangered Species Act, for example, is outdated,

1 it's conflicted and it's simply unwieldy, as are  
2 many of the provisions of the Clean Water Act's  
3 Section 404, Wetlands Program. Inter-agency  
4 collaboration, communication, coordination of the  
5 administration of environmental laws is imperative  
6 if we, the public, are to receive and enjoy the  
7 quality of life benefits these laws and agencies are  
8 intended to provide, and to be able to productively  
9 participate in that process. These agencies must be  
10 required to work together collaboratively --

11 MS. LINNENBRINK: Thank you, sir.

12 MR. SIMPSON: -- or lose funding  
13 through a sunset (sic) provision.

14 MS. LINNENBRINK: May I have card  
15 number two? And then three through five, if you  
16 would make your way up here to the seats in the  
17 front of the room?

18 MR. HOKE: Good afternoon. My name is  
19 Fred Hoke and I'm representing the Home Builders  
20 Association of Lincoln. Our developers and builders  
21 support realistic permits, paperwork and enforcement  
22 using best management practices for mitigating storm  
23 water runoff. In this country where growth and new  
24 housing is an economic engine and home ownership is  
25 a financial asset, commercial and residential

1 construction requires additional expenditures to  
2 ensure clean water being evacuated into our storm  
3 water systems. Affordable housing remains our  
4 priority in this dialog. I'm suggesting that EPA  
5 incorporate new technologies into storm water  
6 regulations, develop solutions to storm water  
7 issues through a series of multi-year cycles  
8 addressing the most critical issues first,  
9 whether it's permitting, paperwork, inspections,  
10 enforcements or fines. Develop matching grants to  
11 encourage local, state and federal collaboration for  
12 developing computerized programs and processes to  
13 speed land development and engineering input through  
14 computer modeling.

15                   Manage permits, paper trails and  
16 processes through a digital template that captures  
17 all information in electronic form.

18                   Encourage steady improvement in land  
19 development, building technology and climatic  
20 forecasting.

21                   Use GIS and GPS and local and national  
22 weather patterning, underpinned with wireless  
23 communications to minimize the continued reliance on  
24 increased staff sizes to oversee these programs.

25                   Bring strong and effective educational

1 programs to everyone involved with storm water  
2 issues. Education is key to regulatory and policy  
3 advancements. A better informed industry and  
4 citizens will evolve into a better regulated,  
5 efficient enforceable program of affordable housing.  
6 Help develop a new generation of builders with  
7 educational programs, methods and technology to  
8 mitigate and eventually eliminate the silting  
9 challenges currently faced by the building industry.  
10 Thank you.

11 MS. LINNENBRINK: Thank you. Card  
12 number three?

13 MR. WESTERGARD: Good afternoon.  
14 mark Westergard, W-E-S-T-E-R-G-A-R-D, and I am here  
15 as an individual. My business is civil engineering  
16 consulting here in the Omaha, Nebraska area and I'm  
17 mostly involved in infra-structure development,  
18 infra-structure improvements or development. Three  
19 short points that I'd like to make: First of all  
20 regarding -- they're all regarding the Clean Water  
21 Act. Regarding wetlands, the old hierarchy, which  
22 is basically avoid -- mitigate on-site, mitigate  
23 off-site, mitigate remotely, perhaps needs to be  
24 re-evaluated avoidance is always the number one, but  
25 with the sort of prevalence of wetland banking, we



1     feel that the larger wetlands are more sustainable,  
2     they are better for the environment, and what we're  
3     ending up with these days, when we're saving wetland  
4     areas that are just a tenth to two-tenths of an acre  
5     large, is that we are getting wetlands in the middle  
6     of developments that are not very high quality and  
7     they are not very sustainable for the long term.

8                     Secondly, regarding waters of the  
9     U.S., we would beg you for some more definitive ways  
10    besides just the bed and bog. With the recent court  
11    cases of Rapanos and Carabell certainly takes a step  
12    towards this and the recent decision by Pennsylvania  
13    to eliminate road ditches as automatic waters of the  
14    U.S. is a step in the right direction, but we would  
15    urge the Federal Government to continue to quantify  
16    the waters of the U.S. issue.

17                    And, lastly, regarding enforcement,  
18    I've been involved in some enforcement cases with  
19    the EPA. A couple of things; we would -- we would  
20    like to see better communication between the State  
21    and local level and the EPA. We were cited for not  
22    having correct aesthetic practices on a project when  
23    we had aesthetic practices in place that were  
24    approved by the state and local agencies. So we  
25    would like some consistency in that. And it also

1 seems that sometimes when the penalties are levied,  
2 that they don't exactly match the degree of impact  
3 on the environment. So, that's all. Thank you for  
4 listening.

5 MS. LINNENBRINK: Thank you. Card  
6 number 4? Can I have card number 5 through 10,  
7 please come up here and sit in the front seats here?

8 MR. DELKA: My name is Mike Delka. I  
9 manage the Bostwick Irrigation District in Nebraska  
10 out of Red Cloud. My comments today are -- have not  
11 been board-approved, so they are my own and I'll try  
12 to keep this within two minutes. First of all, I'd  
13 like to thank you, as everyone else.

14 Our problems are very dynamic, they're  
15 very real, they're unlike what you've heard so far.  
16 We irrigate out of the Corps of Engineers dam with  
17 the Bureau Reclamation Project, so we get the chance  
18 of working with a lot of different people. Our  
19 problem today is that, for several years, we haven't  
20 had a full water supply and yet we still receive a  
21 lot of the same billings. They don't like to  
22 receive our bill and we don't like to receive your  
23 bill, but, for any changes, it seems to require a  
24 lot of legislation. As far as conservation goes,  
25 we're in what we would consider a death race with

1 conservation. If we don't improve ourselves faster  
2 than the depletions that we're seeing, we won't be  
3 around. We have been very fortunate that we receive  
4 money from the 2025 Program through the Bureau and  
5 it's really helped in taking a large step to  
6 achieving our goals. We will probably be -- we have  
7 legislation in the Senate now waiting for approval  
8 to extend our repayments out. We've sought  
9 deferment of payments and received those, but now  
10 we're to the place that we need to take another  
11 step, and, to that step, maybe actually downsizing  
12 the district. It's one thing to argue about water  
13 when you're talking about species restoration and  
14 everything else. If we had half of the problems  
15 down in our basin, they wouldn't be problems because  
16 most of the species would be dead, there is no  
17 water. So we would like to see -- we know that the  
18 conservation initiatives are there for the present  
19 and looking to the future and we need that as well,  
20 but we need it in a different venue. We need it to  
21 help create water, we need it to help maximize the  
22 use of water, and we actually feel that we could  
23 maybe even be a prototype of things toward the  
24 future.

25 Some of the things that we've done, or

1 some of the things that are out there, the water  
2 20-25 program is a great program. We'd like to see  
3 other things. We'd like to see incentives, maybe  
4 even some type of cost or value put out for  
5 recreation, value put for environmental purposes,  
6 maybe pick up some of the bills that were there.  
7 I've seen the card, I'll wrap up. But, basically,  
8 there's no conservation without a resource and we'd  
9 like to reinstate the resource. We need -- you guys  
10 have the best science -- you have the best  
11 scientists in the world. And if there's a way of  
12 getting that out and helping create partnerships, we  
13 look forward to it and we -- we do appreciate all of  
14 the federal employees. Thank you.

15 MS. LINNENBRINK: Thank you. That was  
16 perfect. Card number 5, please --

17 MS. ROGERS: My name is Lindsay  
18 Rogers, L-I-N-D-S-A-Y, R-O-G-E-R-S, I live in Omaha,  
19 Nebraska, and I am with the Nebraska Alliance for  
20 Conservation and Environment Education. It is the  
21 plea of the Nebraska Alliance for Conservation and  
22 Environment Education that although much has been  
23 done in the field of environment and conservation  
24 education, there is still work to do. The results  
25 of the Nebraska Conservation and Environmental

1 Awareness survey prove this. For example, based  
2 on this survey, only 10 percent of Nebraska  
3 respondents felt that they know a lot about  
4 environmental issues. At the same time, 56 percent  
5 of our respondents believe that environmental  
6 protection is more important than economic  
7 development. Ninety-eight (98) percent of  
8 respondents feel that environmental education  
9 should be taught in schools. And most importantly,  
10 82 percent of respondents strongly or mostly agree  
11 that the government agencies should support  
12 environmental education. Let me say that again.  
13 Eighty-two (82) percent of respondents strongly or  
14 mostly agree that the government agencies should  
15 support environment education.

16                   It is the belief of the Nebraska  
17 Alliance for Conservation and Environment Education  
18 that the Federal government, the Department of  
19 Interiors, should support education, conservation  
20 education, environment education.

21                   You asked us to tell you what was  
22 working. I can tell you what worked, it was the  
23 Wildlife Conservation and Restoration Program, WCRP.  
24 These grants provided a valuable resource for  
25 conservation and environmental educators. We need

1 to make resources and financial support available  
2 for conservation and environment education. We need  
3 to return the State Wildlife Grants Program to the  
4 WCRP model. It is only through education that our  
5 public and private lands will be conserved. Being  
6 proactive is the key. Spend money to educate before  
7 money to restore is needed. Thank you.

8 MS. LINNENBRINK: Thank you. Card  
9 number 6? I'd ask 7 through 10 to please come to  
10 the chairs up front.

11 MS. FALZGRAF: Good afternoon. My  
12 name is Nelli Falzgraf. For over 30 years --

13 MS. LINNENBRINK: Could you please  
14 spell your last name?

15 MS. FALZGRAF: F-A-L-Z-G-R-A-F.

16 MS. LINNENBRINK: Thank you.

17 MS. FALZGRAF: For over 30 years,  
18 the Endangered Species Act, or ESA, has protected  
19 animals and plants from extinction by listing  
20 species, preserved essential habitats, and restored  
21 populations of endangered and threatened wildlife.

22 The ESA has prevented extinction of the Bald Eagle,  
23 Whooping Crane, Gray Wolf and Pacific Salmon.  
24 Sixty-eight (68) percent of species listed are  
25 stable or improving. The ESA is a good, effective

1 law.

2                   One of the most effective ways to  
3 protect wildlife is to protect the places they live,  
4 because it's habitat loss that threatens 85 percent  
5 of endangered animals and small plants. The ESA  
6 protects critical habitats needed for the recovery  
7 of wildlife and is the incentive to bring together  
8 various groups. Cooperative education --  
9 cooperative conservation is important but is not a  
10 substitute for the Endangered Species Act, and it  
11 also needs separate public and private funding.

12                  The Tern and Plover Conservation  
13 Partnership conserves endangered Interior Least  
14 Terns and threatened Piping Plovers, and they do  
15 that by bringing together public and private  
16 partners and engaging community through volunteers.  
17 It protects listed species in ways that reduce  
18 conflict with private industry, and it has succeeded  
19 and that's because it's backed by the Endangered  
20 Species Act. It is a safety net for wildlife in  
21 trouble.

22                  I would urge the Bush Administration,  
23 the Department of Interior and the Nebraska  
24 Congressional Delegation to support the Endangered  
25 Species Act and provide full funding in order to

1     conserve the nation's natural heritage. Thank you.

2                     MS. LINNENBRINK: Thank you. Card  
3     number seven? Card number 7? Card number 8? Card  
4     number 9? Can I have card number 10 through 15 also  
5     come to the front of these chairs, please?

6                     MR. KRUEGER: My name is Rick Krueger.  
7     Rick, and then Krueger, K-R-U-E-G-E-R. I'm  
8     the president of Krueger Development Company,  
9     we're located in Lincoln, and primarily develop  
10    residential and commercial lots. We also construct  
11    commercial buildings.

12                    This afternoon I want to speak  
13    about the confusion we have regarding the storm  
14    water standards being implemented by the Federal  
15    government. The confusion and trepidation arises  
16    from the misunderstandings or the lack of  
17    communication from the Federal folks. Locally, we  
18    are trying to keep the mud off the streets. It is  
19    our understanding that we have to, in the course of  
20    our development, put in silt fences and other  
21    measures that keep the soil on our site. However,  
22    we are not sure in what areas these have to be  
23    installed. For instance, do we need to completely  
24    surround each individual, 6100-square-foot lot? Do  
25    we create a catch basin for the overall site and



1 install some silt fencing? Do we restrict  
2 deliveries of materials during a rain event? When  
3 are we in compliance and when are we not in  
4 compliance? When we have sold a lot to a builder  
5 and he is constructing a residence, is it still our  
6 responsibility to maintain the silt fences? In  
7 short, what constitutes a good job and what is  
8 deficient?

9                   It is our understanding that the EPA  
10 can come on our site, unannounced, to look around  
11 for violations and then to fine us without having  
12 any opportunity for us to correct any situation that  
13 may have occurred. We suggest that maybe a site  
14 visit where we meet with them and look at it  
15 together might be a better situation for both.

16                   Also, we understand that there is some  
17 sort of inspection and paperwork that needs to occur  
18 after each rain event. If this is so, we need to  
19 have some education as to what the government is  
20 looking for. We suggest that education outreach be  
21 scheduled through all of the local homebuilders  
22 associations. If we are to monitor our sites, give  
23 us the instructions on how best to do that and what  
24 is expected. Tell us what the standards also (sic),  
25 so that we can have a safe harbor in which to

1    operate.  If there are some corrective measures that  
2    need to be implemented on our site, or, really, on  
3    anybody's site, make a provision whereby we can  
4    address them without the fear of administrative  
5    penalty.  By cooperating in this way, we think  
6    that we can meet the expectations of the Federal  
7    government and our local municipalities.  Thank you.

8                    MS. LINNENBRINK:  Thank you.  Card  
9    number 10?

10                   MR. PETERS:  My name is Brock Peters.  
11    B-R-O-C-K, the last name is P-E-T-E-R-S, Lincoln,  
12    Nebraska.  I'm a contractor and consultant  
13    specializing in storm water consulting for the  
14    development and building industry.

15                   In an attempt of the building industry  
16    to insure there isn't any negative environmental  
17    impacts, it consistently runs into roadblocks.  In  
18    these instances, those roadblocks relate to proper  
19    permits not being granted in a timely manner.  In  
20    May of this year, while in Washington, D.C. I had  
21    the privilege to attend a group meeting with the  
22    Deputy Assistant Secretary of the Army.  Issues  
23    discussed were problems with obtaining Section 404  
24    permits and permitting inconsistencies, and delays  
25    between the Corps and district offices.  The

1 Secretary explained to us in 2005, 100,000 decisions  
2 were made, 80,000 instruments were issued, and the  
3 Corps denied only four applications. This would  
4 leave 19,996 permits to be questioned as to why no  
5 decisions were made or no instruments were issued.

6 Developers with wetlands adjacent to  
7 their developments indicated, on numerous occasions,  
8 they withdrew out of frustration, only to reduce the  
9 size of their developments so the projects could  
10 move forward. These situations increased the cost  
11 of housing, allow for no wetland enhancements and  
12 still failed to address the reason for permit  
13 delays. Not all Corps district offices are an  
14 issue; therefore, I would suggest that all district  
15 offices are performance-evaluated. Evaluate which  
16 issues create unnecessary permit delays. Why are  
17 some issues easily resolved in one office but not  
18 another? And generally create a system that's  
19 consistent, predictable and reliable. Thank you.

20 MS. LINNENBRINK: Thank you. Card  
21 number 11? Card number 12? Card number 13? Card  
22 number 14? Can I ask that number -- card number 15  
23 through 20 also try and make their way up to the  
24 front, please? There are chairs right up here, they  
25 say "reserved," they're reserved just for you.

1 MS. SCHMIDT: Good afternoon. I'm  
2 Flora Schmidt, F-L-O-R-A, S-C-H-M-I-D-T. I'm the  
3 executive officer for the Iowa Homebuilder's  
4 Association and also represent the National  
5 Association of Homebuilders. We represent  
6 2600 members in the State of Iowa and 240,000  
7 members across the country.

8 Director Hall, at a time when  
9 housing affordability is becoming a national crisis,  
10 ill-conceived storm water regulation is pushing up  
11 the cost of housing and pricing out a growing number  
12 of families throughout the United States. The  
13 EPA has established storm water regulations that  
14 are costly, excessive and sometimes inconsistent and  
15 duplicative of state and local requirements. A  
16 regulatory approach that fosters cooperation between  
17 the EPA, the tribes, the state and local communities  
18 would better protect America's rivers and streams  
19 without increasing housing costs more than  
20 necessary. As home builders, we believe that storm  
21 water regulations are necessary, but we also believe  
22 the regulations should be reasonable, they should be  
23 thoughtful, and they should be fair, and they should  
24 take into account the differences between  
25 residential construction and other industries as

1 well as the fundamental differences between storm  
2 water and other pollutants. A more effective  
3 environmental protection plan will come from simple,  
4 consistent rules that encourage compliance. Because  
5 current regulations are inherently subjective, our  
6 builders could spend thousands of dollars on storm  
7 water management on every home and still be found in  
8 noncompliance by an inspector who disagrees with the  
9 builder's environmental consultants as to the best  
10 management practices that should be used. There are  
11 numerous steps that we believe the EPA and state and  
12 local authorities could take in the interest of  
13 clean water and more cost-effective regulation. We  
14 can develop consistent federal and state enforcement  
15 policies that focus on environmental protection  
16 versus the permit paperwork regulation. We can  
17 remove the duplicative federal permit obligation for  
18 residential construction site operators discharged  
19 directly to municipal storm sewer systems and are  
20 already required to control runoff into such a  
21 system based on fairly mandated regulations imposed  
22 by the municipalities.

23 We also believe you should allow the  
24 states to assume the lead enforcement role in the  
25 issue of permits under these programs to receive

1 federal approval, while still allowing the federal  
2 EPA to bring enforcement actions in certain  
3 circumstances where storm water discharge poses  
4 an imminent and substantial endangerment. We  
5 believe you should develop federal and state  
6 watershed partnership programs with the home  
7 builders to increase the awareness of the regulatory  
8 requirements and also to provide opportunities for  
9 innovative practices to conserve the natural  
10 resources. On behalf of the home builders across  
11 the country, we thank you for your time.

12 MS. LINNENBRINK: Thank you, ma'am.

13 Card number 15?

14 MR. THOMAS: My name is Chuck Thomas,

15 T-H-O-M-A-S. I am chairman of the Developers

16 Council of the Homebuilder's Association of Greater  
17 Des Moines, Des Moines, Iowa. Director Hall, thank  
18 you very much for coming to Omaha and giving us an  
19 opportunity to come over here from Des Moines and  
20 speak to you.

21 We do have three or four points we  
22 would like to make regarding -- under the Clean  
23 Water Act, storm water provisions. Number one, it  
24 is our experience that if the EPA is going to come  
25 into the state, or to the community, and overfile or

1 impose penalties even though the state and local  
2 cities have jurisdiction also in the state, then we  
3 think the EPA should have the power to red-tag just  
4 as much as we practice in our construction industry  
5 on a day-by-day basis. We feel that the red-tag  
6 system would be very important to us because what it  
  
7 would do, it would stop the job until compliance is  
8 met rather than immediately assess over (sic) costly  
9 penalties.

10                   The whole purpose here, we think, is  
11 to get into compliance. We think the red-tag system  
12 would do that. It actually conveys the seriousness  
13 of the need to comply also.

14                   Also, particularly with regard to  
15 post-construction requirements regarding the  
16 Clean Water Act's storm water provisions, the  
17 rules, we think, should be amended so that cities  
18 can be told exactly what they must impose on  
19 construction sites. Example, do we have to hold  
20 all of the runoff for 24 hours? Do we have to  
21 detain 80 percent of the five-year event? These  
22 are somewhat confusing questions to the cities who  
23 are now administering the Clean Water Act, if you  
24 will. These regulations currently don't provide  
25 what we'll call a bright line requirement, if you

1 will; therefore, each city can, and they will,  
2 impose their own standard. This promotes confusion,  
3 prevents any semblance of uniformity and permits the  
4 existence of an uneven playing field between the  
5 cities. Thank you very much, appreciate the  
6 opportunity.

7 MS. LINNENBRINK: Thank you, sir.

8 Card number 16? Card number 17?

9 MR. CHRISTY: I want to thank the  
10 Bush Administration and Director Hall for the  
11 opportunity to speak today. I'm Warren Christy,  
12 I'm a farmer 30 miles north of Omaha, near --

13 MS. LINNENBRINK: Spell that, please.

14 MR. CHRISTY: C-H-R-I-S-T-Y -- near  
15 Desoto Bend Wildlife Refuge, and I represent myself  
16 and neighbors. In respect to the privacy of  
17 landowners and the respect, thereto, I -- the  
18 primary issue concerns the involvement of the  
19 implementation of the replication of the historic  
20 spring rise on the Missouri River as part of the  
21 protection of the -- to save the endangered Pallid  
22 Sturgeon in the Missouri River. The underlying  
23 logic for the spring rise is that it will trigger  
24 spawning of the Pallid Sturgeon, and the news from  
25 the Fish and Wildlife Service is all speculation on



1 the spring rise even triggering spawning. I  
2 question this logic, wondering what the fish will do  
3 if they are -- if they don't spawn those eggs.

4                   There is one area that is not  
5 speculation and that is with the vulnerability of  
6 thousands of farmers and hundreds of thousands of  
7 acres of farmland that has the potential of being  
8 flooded, from South Dakota clear down to the  
9 St. Louis mouth of the Missouri. This triggers  
10 the voidance of our Federal Crop Insurance which we  
11 buy for flood protection, because if there is a  
12 man-made cause or any part of it is caused that's  
13 man-made, it voids our Federal Crop Insurance.  
14 this does not -- this activity of causing the  
15 spring rise on the Missouri River does not restrict  
16 private land ownership and is the main focus of  
17 the point of most farmers' complaints when  
18 questioned about re-creation of the spring rise  
19 on the Missouri River.

20                   The Fish and Wildlife Service has  
21 issued many news releases stating that the Pallid  
22 Sturgeon are not reproducing and that its numbers  
23 are way down. I don't have any ability to disagree  
24 or agree with this; however, their logic is not too  
25 well-founded. I -- again, the private -- the

1 intentional flooding of private land does not show  
2 respect for private land ownership and will not  
3 cause the Pallid Sturgeon to spawn. I ask you,  
4 Director Hall, to look into this experimental spring  
5 rise. Please stop this speculative and costly  
6 experiment. Again, it will not cause spawning of  
7 the Pallid Sturgeon and will not show respect for  
8 private land ownership. Thank you.

9 MS. LINNENBRINK: Thank you, sir.

10 Card number 18?

11 MS. BRUCKNER: Hi, Traci Bruckner,  
12 T-R-A-C-I, B-R-U-C-K-N-E-R, and I'm with the Center  
13 for Rural Affairs. Today I want to talk about -- in  
14 the last Farm Bill, there was a program called The  
15 Partnerships in Cooperation that was authorized, it  
16 was never implemented, as such, and we would -- we  
17 want to talk about that and reauthorizing that in  
18 the new Farm Bill and see it significantly  
19 strengthened.

20 DIRECTOR HALL: I'm sorry, could you  
21 say that -- what program again?

22 MS. BRUCKNER: Partnerships in  
23 Cooperation. It was implemented under a different  
24 name called Conservation Partnerships Initiative but  
25 it wasn't implemented as Congress had authorized it.

1                   We believe that this program can  
2     support special projects and initiatives that  
3     involve multiple willing farmers and ranchers  
4     looking to address specific resource concerns or  
5     opportunities. This does not require special  
6     appropriation, it's funded through existing state  
7     allocations, through conservation programs, and  
8     we'd like to see those state allocations in each  
9     state set at least -- set aside 20 percent of  
10    their allocations for such projects. We believe  
11    that preference should be given to projects that  
12    involve partnerships of farmers and local  
13    governments that focus on making rural communities  
14    attractive places to live and visit by providing  
15    landscape and habitat amenities, and to projects  
16    that both restore resources and provide public  
17    access, or address community needs such as flood  
18    control through environmental restoration such as  
19    wetland restoration.

20                  The growing rural communities, the  
21    rural communities that we see that are growing are  
22    largely those that do have resource-based amenities  
23    and we think that open, natural space is going to  
24    become one of those resource-based amenities that  
25    maybe farming and rural communities could benefit

1 from. So, to make this work with the private  
2 landowners in the areas, we think that through the  
3 conservation programs, we could provide special  
4 incentives to farmers, bonus payments through their  
5 conservation programs, and such, to encourage them  
6 to participate with local businesses and local  
7 communities who are developing such plans for a  
8 resource, amenities-based economy. And I guess  
9 that's all I have. Thank you.

10 MS. LINNENBRINK: Thank you.

11 Card number 19? Can I ask that card  
12 number 20 through 25 come up to the front here and  
13 sit in these chairs?

14 MR. SKOLD: Jason Skold, J-A-S-O-N,  
15 S-K-O-L-D, with the Nature Conservancy here in  
16 Omaha, Nebraska. Thank you for the opportunity  
17 today, thanks for coming to Omaha.

18 We believe an important example of the  
19 Nature Conservancy's commitment to Cooperative  
20 Conservation is with the nation's first wetland  
21 reserve program along the Missouri River in  
22 Nebraska. This unique partnership and program,  
23 established in 2004, is intended to enhance  
24 restoration efforts on the river by maximizing  
25 environmental benefits in a cost-effective manner

1 with the aid of multiple federal, state and local  
2 partners. Currently, over a hundred landowners  
3 along the river have enrolled to conserve and  
4 restore the land. Partner organizations are  
5 facilitating and a wetlands reserve enhancement  
6 program aims to restore a functional floodplain,  
7 off-channel chutes, a natural plane, all cooperative  
8 strategies listed in Nebraska's wildlife action  
9 plan, entitled Nebraska's National Legacy Project.  
10 To fully enable these strategies, cooperation must  
11 be enhanced between the NRCS and Army Corps of  
12 Engineers. The NRCS and Army Corps are two primary  
13 agencies involved in holding easements and restoring  
14 or purchasing fee title land along the Missouri  
15 River. These agencies have similar objectives for  
16 the lands they manage, but barriers do exist in  
17 achieving them cooperatively. These barriers become  
18 apparent in two areas: The first occurs when the  
19 Army Corps purchases the residual rights of lands  
20 under NRCS, WRP or WREP easements from willing  
21 sellers. In these cases, one federal agency now  
22 holds an easement on another federal agency and it  
23 actually restricts the Corps' ability to restore the  
24 land now owned with preferred practices. One of  
25 these practices used by the Army Corps is the

1 sloughing of banks to increase the top width of  
2 the active channel and restore shallow water habitat  
3 diversively. The NRCS does not allow sloughing  
4 of WRP or WRPE easements because the agency views  
5 the eroded acres as nonmanageable. To promote  
6 cooperation between federal agencies in this area,  
7 the NRCS should allow more management options to the  
8 Army Corps when land under easement was purchased  
9 into the title, and the NRCS should allow sloughing  
10 of easements as an acceptable restoration practice.

11                   The third item basically revolves  
12 around the ability of the Corps of Engineers to do  
13 work on NRCS easements. Again, the agencies have, I  
14 guess, mutual objectives, but yet when a project  
15 makes sense for the two agencies to cooperate  
16 together, the Corps of Engineers is not allowed to  
17 spend funds on an NRCS easement because it is a  
18 private land. So we look forward to helping the  
19 items listed here to enhance cooperation between  
20 federal agencies be put into action. Successful  
21 partnerships like the WRAP in Nebraska include  
22 multiple state holders who work together to achieve  
23 conservation success on a large landscape scale. We  
24 applaud these efforts leading to a basin-wide  
25 recovery program --

1 MS. LINNENBRINK: Thank you.

2 MR. SKOLD: -- and establishment of an  
3 implementation committee.

4 MS. LINNENBRINK: Thank you.

5 MR. SKOLD: Thank you for the  
6 opportunity.

7 MS. LINNENBRINK: Thank you.

8 Card number 20?

9 MR. HARE: Matt Hare, M-A-T-T,  
10 H-A-R-E, Valley, Nebraska, Nature Conservancy for  
11 the Central U.S. Region of the Conservancy. We  
12 appreciate the Administration's efforts to conduct  
13 these listening sessions and Director Hall  
14 for coming here to Omaha today. Cooperative  
15 Conservation Partnerships are a cornerstone of  
16 the Nature Conservancy's work around the world.  
17 Successful partnerships include multiple  
18 stakeholders who hold together to achieve  
19 conservation success on large landscale (sic)  
20 scales -- landscape scales. Finding common ground  
21 with communities, ranchers, farmers, government  
22 agencies and corporations is essential to  
23 finding creative and practical solutions that  
24 balance human needs with conservation goals. For  
25 example, the U.S. Fire Learning Network is an

1 outstanding example of engaging agencies and  
2 communities in a process that brings interested  
3 and willing landowners together to develop a common  
4 vision for their landscape and focus on reducing  
5 fire hazards and restoring the biodiversity of  
6 the land. Well-funded federal land acquisition  
7 programs are vitally important tools for the  
8 Federal government to fully exercise its role as a  
9 conservation partner. Land acquisition programs  
10 such as the Land and Water Conservation Fund Forest  
11 Legacy can provide the investments necessary to  
12 protect such national treasures as the Nebraska  
13 Sandhills, the Iowa Loess Hills or the Kansas  
14 Tallgrass Prairie. We applaud the Administration's  
15 Cooperative Conservation grant programs that provide  
16 agencies the opportunity to work in collaboration  
17 with private landowners. Examples of such programs  
18 include the U.S. Fish and Wildlife Service  
19 Cooperative Endangered Species Fund, Landowner  
20 Incentive Program, Private Stewardship Grants, and  
21 the State Wildlife Grant Program, all of which are  
22 pivotal to the success of Cooperative Conservation  
23 and all of which are in need of full funding by  
24 Congress. The Administration should continue to  
25 expand incentives for private land conservation



1 including the multiple opportunities available to  
2 reauthorize the 2007 Farm Bill Conservation Title.

3 And, finally, the Endangered Species  
4 Act must be reviewed to close the loop on  
5 establishing effective and efficient cooperative  
6 conservation at some point, either through Congress  
7 or through the regulatory process, to foster private  
8 landowner participation, review of safe harbor,  
9 conservation banks, eligible lands and, of course,  
10 adequate funding for the incentive programs and  
11 grant programs available through ESA must be  
12 conducted, and TNC stands ready to help.

13 MS. LINNENBRINK: Thank you.

14 Card number 21? Can I have card  
15 number 22 through 25 please make their way to the  
16 chairs? So we're through 21, 22, 23, 24, 25, any  
17 of those card numbers? Number 26? Number 27?  
18 Twenty-eight (28) you there 30? Thirty (30) through  
19 35. What number are you?

20 THE AUDIENCE MEMBER: Thirty-four  
21 (34).

22 MS. LINNENBRINK: What number are you,  
23 sir?

24 THE AUDIENCE MEMBER: Thirty-two (32).

25 MS. LINNENBRINK: Sir, would you go

1 first?

2 THE AUDIENCE MEMBER: Thirty-two (32).

3 MS. LINNENBRINK: Is there a 30 or 31?

4 THE AUDIENCE MEMBER: No, I'm 36.

5 MS. LINNENBRINK: Okay. Ma'am, would  
6 you go, please?

7 MS. BEETHE: My name is Lisa Beethe,  
8 L-I-S-A, B-E-E-T-H-E. I represent the Nebraska  
9 Environmental Trust out of Lincoln, Nebraska. In  
10 Nebraska, we are working hard to join together to  
11 put Cooperative Conservation into practice. We've  
12 utilized the power of partnerships to the best of  
13 our abilities. The Nebraska Environmental Trust has  
  
14 been a big part of this in Nebraska. The two  
15 programs you heard about early in the program from  
16 Gloria and Jim, the Rainwater Basin Joint Venture  
17 and the Sandhills Task Force are shining examples of  
18 the projects supported by the Environmental Trust.  
19 We promote these partnerships in our grant process  
20 by awarding additional points for projects that  
21 bring together multiple agencies or organizations.  
22 They can get even more points for putting together  
23 what we call a feature project. These feature  
24 projects are larger-scale projects that are designed  
25 on the ecosystem, resource-based, or regional

1 approach. The project must include components to  
2 inform and educate and include representatives of  
3 public and private parties and organizations in  
4 competence of planning, design and evaluation. The  
5 project must also recognize community and economic  
6 values that may affect conservation actions and  
7 create efficiencies of delivery and maximize  
8 available resources through the development of  
9 formal and informal inter-agency agreements or  
10 public and private partnerships.

11                   We are very excited about the Wildlife  
12 Action Plans that each state has completed, and we  
13 haven't waited to get things started. The Trust is  
14 helping get some initial flagship projects off the  
15 ground right now. The plans have been put together,  
16 but we need the federal resources to implement the  
17 actions. No state could ever fund all of the work  
18 outlined in these plans themselves. In Nebraska,  
19 we've been fortunate to receive state Wildlife Grant  
20 Funds, Landowner Incentive Dollars, and support for  
21 restoring our river and wetland habitats through the  
22 U.S. Fish and Wildlife Service programs. Again,  
23 we're doing our part to contribute the matching  
24 funds, but we need the federal programs to keep  
25 things going. We strongly support these programs

1 and encourage you to advocate for the continuation  
2 of these programs and appropriate funding for them  
3 as well.

4                   The concepts proposed in the Good  
5 Samaritan Clean Watershed Act and the other acts  
6 that you're working on right now are all on the  
7 right track. They all give more flexibility  
8 to federal agencies to work directly with the  
9 states and local organizations to achieve their  
10 conservation goals. They also promote the idea of  
11 providing assurances to private landowners who are  
12 willing to participate in these programs. This  
13 could really go a long way in getting more local  
14 interest in conservation projects without fear of  
15 regulatory issues. Now is not the time to let these  
16 programs be cut. The plans are out there and the  
17 conservation groups are ready to implement the  
18 projects. We must continue to work together at the  
19 state, local and federal levels to protect our  
20 natural resources. Thank you.

21                   MS. LINNENBRINK: Thank you. It's  
22 2:15 right now. I'm going to ask that we take a  
23 15-minute break and we will reconvene at 2:30  
24 and we'll start with number 36, I believe, unless  
25 35 shows up, so please come back at 2:30.

1                   (Whereupon, a 15-minute break was had  
2                   and the conference resumed at 2:30 p.m.)

3                   MS. LINNENBRINK: All right. Before  
4 we get started back with number 35, I do want to  
5 recognize another individual out in the audience  
6 that can provide answers to your questions. We have  
7 a representative from the U.S. Geological Survey,  
8 Bob Swanson, I don't know where he is -- there he  
9 is. (Indicating.) Bob can answer any questions  
10 that you have after the session, as well as the  
11 others I mentioned earlier this afternoon.

12                   I'm going to ask for card number 35 to  
13 come on down, but I don't think they're here.

14                   Card number 36, please?

15                   MR. RILEY: Good afternoon, Director  
16 Hall and the audience here. My name is Steve Riley,  
17 that's Steve as in S-T-E-V-E, R-I-L-E-Y, and I'm  
18 with the Nebraska Game and Parks Commission. I am  
19 the head of our habitat partner section which  
20 basically deals with working with private landowners  
21 in Nebraska to deliver Cooperative Conservation  
22 through various partnerships. I wanted to just  
23 briefly address that Nebraska, like every other  
24 state in the union, was asked by Congress to prepare  
25 our comprehensive wildlife conservation strategy and

1 we call ours the Nebraska Natural Legacy Project.  
2 We did that, and we did it in rare fashion, in that  
3 we involved lots of partners in this process.  
4 Nebraska is really into partnerships, and we're good  
5 at it, and so we had everybody from the normal  
6 resource people that you would expect, and included  
7 all sorts of other organizations, including farmers  
8 and ranchers and their organizations. We went  
9 through the process and we came up with a great  
10 product, it's a great blueprint for us to move  
11 forward in trying to protect our environments in  
12 Nebraska and the species in them, collectively and  
13 cooperatively. Now we're in the process of trying  
14 to roll that out and implement it.

15 We've selected a number of different  
16 focus areas in the State to put our attention in,  
17 and now what we really need is the continued support  
18 of the Federal government now that we've been given  
19 this task to do this, in providing the tools to  
20 continue with our partnerships. And those tools are  
21 programs like the Landowner Incentive Program, the  
22 State Wildlife Grants Program, Private Stewardship  
23 Grant Program, and one of the programs in the  
24 service that's near and dear to me, the Partners for  
25 Fish and Wildlife Program. They're great programs

1 on the ground. We also use the Farm Bill  
2 extensively in our toolbox for delivering  
3 conservation.

4 I'd just say, about some of these  
5 programs, that the State Wildlife Grant Program is  
6 the nation's core program for preventing wildlife  
7 from becoming endangered. It's the only program in  
8 the Federal budget that really tries to fulfill that  
9 need. Now, this grant program is not just any old  
10 grant program, it's an essential priority for  
11 achieving the Federal government's mission in  
12 dealing with wildlife conservation.

13 I'm seeing the green flag now. That  
14 goes fast, way too fast. At any rate, we have some  
15 great programs in Nebraska. The Landowner Incentive  
16 Program is a model for what we're doing and we want  
17 to see that program, the State Wildlife Grant  
18 Program, the Private Stewardship Grant Program, see  
19 those continued with funding so we can adequately  
20 deliver the Natural Legacy Plan in Nebraska. So  
21 with your support, thank you.

22 MS. LINNENBRINK: Thank you. Card  
23 number 37? Can I ask that card number 38 through 40  
24 come up to these front chairs, please?

25 MR. IMMINK: I'm Jon Immink,

1 J-O-N, I-M-M-I-N-K, from Endicott, Nebraska,  
2 E-N-D-I-C-O-T-T. Thank you, Mr. Hall for being here  
3 today.

4 I'm a private producer involved  
5 with a family farm corporation named called Gold  
6 Link, Incorporated. We're involved in the pilot  
7 project of the Conservation Security Program in  
8 2004, also the LIP program and State Wildlife  
9 Grants, and the Nebraska Environmental Trust. And  
10 when I was asked by the fellows about coming here  
11 today, I thought about a lot of things. One of  
12 those things, we're involved in the LIP, when the  
13 Game and Parks guys talked to me about it, they had  
14 to do some -- probably some changes, in my mind.  
15 One of those was the trust issue. Coming from the  
16 horror stories out west, they had to do a mind  
17 change in my mind, and that trust issue was there.  
18 The LIP program has become near and dear to my heart  
19 from those things. If I could have taken that  
20 picture last night, coming across our hills and  
21 looking across the prairie, if I would have taken  
22 that picture two years ago and looking at the tall  
23 grass prairie in Southeastern Nebraska, and that  
24 change has been made, not changes just on our  
25 property, but five different landowners, the change



1   that you would see is just phenomenal -- and the  
2   prairie chickens coming up and there's cubbies of  
3   quail, you know, and those changes that you wouldn't  
4   be able to see. And within those parcels, there's  
5   three -- three of those individuals wouldn't have  
6   done anything without that LIP program there.

7                   When I looked at these five questions  
8   right here, what of those answers to those five  
9   questions? LIP, LIP, LIP, LIP. You know, those are  
10  it. One of the -- I think the lady that was up here  
11  earlier with the Great Basin -- you've got the green  
12  flag -- changes about attitude and culture, you  
13  know, those three individuals that wouldn't have  
14  done nothing; changes of attitude and culture. And  
15  there's a whole change there with those neighbors  
16  that wouldn't have done anything.

17                   There's one thing that I want to  
18  leave with you that I seen in the hills of  
19  North Carolina that, and those things that -- I  
20  guess my responsibility is here, not only your  
21  responsibility -- but you're responsible for you to  
22  be here, but I'm responsible for me to be here -- is  
23  your people here down the line are doing their job,  
24  okay, like Steve here and the people below him.

25                   MS. LINNENBRINK: Thank you.

1 MR. RILEY: Thank you.

2 MS. LINNENBRINK: Thank you.

3 Card number 38? Can I have 39 and 40  
4 come down to these chairs, please?

5 MR. KUIPERS: Good afternoon. My name  
6 is Jarren Kuipers. That's J-A-R-R-E-N, Kuipers,  
7 K-U-I-P-E-R-S. I work through Northern Prairies  
8 Land Trust and I work in implementation with the  
9 Landowner Incentive Program with the Nebraska Game  
10 and Parks Commission in the southeastern part of the  
11 state, the Tallgrass Prairie Region.

12 I'm here to talk just a little bit  
13 about the Landowner Incentive Program and how  
14 important it's been in our part of the country and  
15 how I think it has great potential to continue, to  
16 improve and also to just be an even longer-lasting  
17 program than -- than many of the others. It's been  
18 in existence for about three and a half years now  
19 here in Nebraska, and over that time -- the start  
20 was kind of slow, as with many new programs, but as  
21 it started cranking up, it's really become something  
22 that I think is substantial, and, in my region  
23 alone, we have 45 completed projects just in a very  
24 small area, and another 30 on the way. So it's been  
25 very substantial in Nebraska, even though it's been

1   slow in some parts of the country.  It's been kind  
2   of a partnership-builder we've worked through the  
3   Nebraska Environmental Trust and the Nebraska  
4   Tallgrass Prairie Partnership, the U.S. Fish and  
5   Wildlife Service, of course, and our Game and Parks,  
6   and also the Rocky Mountain Bird Observatory, among  
7   many others, and so this is a program that's really  
8   pulled us all together.  It's helped us pool funds  
9   and, in many ways, we've used Landowner Incentive  
10   Program money with State funds, and vice versa, and  
11   used that to really get more bang for our buck.

12                   One thing that's really made it  
13   effective in Nebraska is programmatic approval with  
14   U.S. Fish and Wildlife Service in our district in  
15   Denver, and these programmatic approval processes  
16   have been hard, but they've been very valuable, I  
17   think, and it's streamlined how we're able to do  
18   things.  And with many private landowners, time is  
19   always an issue.  And so when we're able to start a  
20   project very quickly and get it done successfully  
21   for rare species, but also something that works  
22   within their program -- or works within their  
23   operation, the -- I think the benefits are much  
24   greater in those cases, so programmatic approval, I  
25   think, is going to be very key to involvement and

1 just to continue that dialogue between the U.S. Fish  
2 and Wildlife Service and the Nebraska Game and Parks  
3 Commission, as well as our other partners.

4 Another thing I would say is one  
5 of the more important things for the Landowner  
6 Incentive Program we've been able to do is build  
7 relationships with private landowners and they're  
8 our primary partners. And building those  
9 relationships and those trust issues, like was  
10 mentioned before, it's very important and it's  
11 something that takes time. And putting in place  
12 new programs and new implement- -- new people  
13 implementing those programs, generally, just -- it  
14 takes time to get them going, so I think it's  
15 important to continue the Landowner Incentive  
16 Program. Thank you.

17 MS. LINNENBRINK: Thank you. Card  
18 number 39?

19 Card number 40? Can I ask that card  
20 numbers 41 through 45 please come to the chairs up  
21 front? Thank you.

22 MR. VAN WINKLE: I'm Jim Van Winkle  
23 with the Sandhills Task Force and my comments are  
24 brief. I think that one of the secrets for this  
25 private lands conservation initiative to be

1   successful in the future is for the top-down  
2   management of agencies to direct and insist and  
3   empower their employees to be involved in these  
4   partnerships, to be active participants, not just  
5   show-er-uppers, but to actually get in there. And  
6   then I think it is -- it is up to management-level  
7   folks then to see that that happens and to find out  
8   ways to make it happen better. It's hard stuff, you  
9   know, dictatorial management is a lot easier, but  
10   partnerships are like sausage-making, they just take  
11   a lot of effort and they aren't pretty, oftentimes,  
12   on a day-to-day basis, but the end result is what's  
13   sustainable. And I think there's mechanisms that  
14   can be streamlined. There's a huge amount of  
15   disincentives (sic) for any federal land managers,  
16   currently, to work with the private sector and I  
17   think that to try to short-circuit some of those  
18   disincentives (sic) and find people willing to say,  
19   well, we can do it rather than we can't because this  
20   program doesn't last, that would help a lot; not  
21   easy.

22                   And, the other thing is, to echo the  
23   sentiment of the last commenter, I think that  
24   private lands (sic) trust builds slow and I don't  
25   think it lends itself well to someone who gets a

1 pay grade increase and has to transfer to exercise  
2 that. I think private lands conservation, from  
3 Federal agencies, needs to be recognized as a  
4 little different animal. And in the West, and  
5 in the Great Plains, that trust takes a lot of  
6 years to develop. People have to become part of  
7 the communities that they're there to serve and  
8 that's just the way we are. So I think that -- to  
9 recognize those individuals that are successful and  
10 give them incentive to stay put will go a long ways.  
11 Thank you.

12 THE REPORTER: Jim, could you spell  
13 your last name?

14 MR. VAN WINKLE: Just like Rip Van  
15 Winkle.

16 THE REPORTER: Oh, I'm sorry. I was  
17 making it harder.

18 MS. LINNENBRINK: Card number 41?

19 MR. HUMBERT: Forty-two (42). My name  
20 is Mark Humbert, M-A-R-K, H-U-M-B-E-R-T. And I'm  
21 here today representing the Nebraska Chapter of the  
22 Wildlife Society. We're a professional organization  
23 of biologists, educators and administrators who work  
24 in the field of wildlife management in the state.  
25 Director Hall, we appreciate you coming to Omaha

1 and -- to gather input.

2                   The Nebraska chapter supports  
3 increased and more sustainable funding for the State  
4 Wildlife Grants Program, Landowner Incentive  
5 Program, Private Stewardship Grants Program, the  
6 Partners for Fish and Wildlife Program and the  
7 Conservation Title and Farm Bill. We use those  
8 programs in collaboration, and we're very fortunate  
9 to have the Nebraska Environmental Trust, which is a  
10 state source of match for those programs. Every  
11 state in the country should have a similar fund. We  
12 just can't say enough about the Environmental Trust.  
13 But we use these programs -- or are using these  
14 programs to help implement our wildlife action plan,  
15 we call it the Nebraska Natural Legacy Project in  
16 Nebraska. Without these programs and a plan, we  
17 face a grim future of endless endangered species  
18 controversies and a legacy as irresponsible stewards  
19 to the next generation of Nebraskans.

20                   The chapter recommends that the  
21 Administration seek a permanent funding solution for  
22 the Wildlife Conservation Programs to insure the  
23 successful implementation of wildlife action plans,  
24 both here in Nebraska and across the country, so  
25 that we can prevent future endangered species

1 listings. Year-to-year fluctuations in funding  
2 levels for Cooperative Conservation hampers the  
3 authority of agencies and private organizations to  
4 build and maintain the needed infrastructure to  
5 deliver the volunteer incentives that are the  
6 hallmark of Cooperative Conservation.

7                   We recommend that the Administration  
8 work with Congress to pass legislation providing a  
9 permanent funding source for wildlife action plan  
10 implementation that is modeled after the successful  
11 Wildlife Conservation and Restoration Program.  
12 The chapter is a member of the Nebraska Teaming with  
13 Wildlife Coalition and we serve on the steering  
14 committee. We, along with almost 100 other Nebraska  
15 organizations, support dedicated funding for  
16 wildlife conservation education and nature-based  
17 recreation. As a coalition, we are a voice for the  
18 more than 500 species in Nebraska that are  
19 considered at risk. We appreciate the efforts of  
20 the Administration to conserve our species and ask  
21 that you work with Congress to secure the necessary  
22 funding to more fully support wildlife conservation.  
23 Thank you.

24                   MS. LINNENBRINK: Thank you.  
25 Forty-three (43)? Forty-four (44)? Forty-five



1 (45)? Can I ask that card numbers 46 through  
2 50 please come to these front chairs?

3 MR. STEINAER: I'm Terry Steinaer,  
4 T-E-R-R-Y, S-T-E-I-N-A-E-R. I'm representing the  
5 Nebraska Tallgrass Prairie Partnership. We're a  
6 coalition of private landowners and conservation  
7 groups and what really got us started is when we got  
8 our first LIP grant in 2003, we got this money, we  
9 needed to get organized, spend it right, do good  
10 things. Most of the Tallgrass Prairie, which is one  
11 of the most endangered ecosystems in the country, we  
12 have little spots of it in southeast Nebraska, and  
13 it's mainly all on private lands, so LIP was really  
14 important.

15 Over the last two years, we've  
16 been able to get a million dollars in Nebraska  
17 Environmental Trust funds because we had LIP monies  
18 to match that, and without the LIP, you know, we  
19 wouldn't have got that million dollars. The money  
20 is going to the private landowners for things that  
21 are good for our species and good for the  
22 landowners; tree clearing, invasive weed control,  
23 prescribed burning, planned grazing. LIP has really  
24 been good for us. And we talk about that word  
25 "trust," and it's all building that trust with those

1 landowners that have that piece of prairie left down  
2 there, and we're just worried with two things: If  
3 we lose LIP, we're going to lose that trust, all of  
4 the initiative we've got, and then we're also going  
5 to lose that important match to get these other  
6 grant funds. So we've got this process started down  
7 there and we're doing it in other parts of Nebraska,  
8 too, in the short grass prairie in northeast  
9 Nebraska, working with private landowners. We've  
10 put a lot of effort into it, it's going good, it's  
11 what the landowners like and we need to keep it  
12 going and we need to keep the money coming in.  
13 Thanks.

14 MS. LINNENBRINK: Thank you.  
15 Forty-six (46)? Forty-seven (47)? Forty-eight  
16 (48)? What number are you?

17 THE AUDIENCE MEMBER: Fifty (50).

18 MS. LINNENBRINK: Fifty (50)? Is  
19 there a 49, number 49? Okay. Fifty (50), please.  
20 I'd ask numbers 51 through 55 to please come up to  
21 the front and sit in the chairs. Thank you.

22 MS. COOKSLEY: Thank you for the  
23 opportunity to comment, Director Hall. My name is  
24 Barbara Cooksley, B-A-R-B-A-R-A, C-O-O-K-S-L-E-Y. I  
25 am a fourth generation rancher in the Sandhills,

1 from Anselmo, Nebraska. Our daughter, Sara, and  
2 oldest nephew, Ben, are the fifth generation, and  
3 Ben's children are the sixth generation, to live and  
4 work on the family ranch. I also serve as vice  
5 chair of the Nebraska Cattlemen's Natural Resource  
6 Environmental Committee, and stand before you as a  
7 Nebraska Cattlemen's member today.

8                   Voluntary conservation programs for  
9 private landowners are critical for wildlife habitat  
10 and protection enhancement. Private landowners live  
11 and work on the land each day. I love to see the  
12 prairie chickens take flight from their native  
13 grassland hilltop and mule deer bound out of the  
14 buckbrush. This habitat is managed, by us, to  
15 coexist for livestock grazing and much more wildlife  
16 in the same area than I have time to list. Funding  
17 must be maintained and hopefully increased for  
18 private land conservation programs, many of which  
19 have been mentioned already. Landowners do need  
20 help in identifying environmental concerns on their  
21 land. That may be as simple as providing different  
22 grass heights for nesting, brooding and rearing for  
23 certain bird species, to the evaluation and  
24 implementation of water conservation practices  
25 across entire watersheds.

1                   Our ranch has always had some prairie  
2 dogs. We manage the land for prairie dogs as we  
3 would for any other wildlife species. We provide a  
4 habitat for prairie dog colonies and maintain higher  
5 grass height and trees for natural predators outside  
6 the colony. Landowners need to be encouraged to  
7 manage for a variety of named species on their  
8 lands, and I appreciate your efforts in working with  
9 landowners in a proactive manner.

10                   Reform of the Endangered Species Act  
11 for those landowners with a threatened or endangered  
12 plant or animal listing is necessary. A landowner  
13 needs the assurance that they have already provided  
14 the resources necessary for the species to exist and  
15 that assistance from the Federal government will  
16 enhance the landowner's efforts in maintaining or  
17 improving the habitat of species' needs.

18                   Cooperative efforts among government  
19 agencies in invasive species management are also  
20 necessary for habitat management. Invasive species,  
21 out of control, can crowd out desirable native  
22 species and eliminate habitat. I believe  
23 cooperative efforts will also have great success  
24 over longer periods of time and I am proud that the  
25 Nebraska Cattlemen have entered a relationship with

1 the Sandhills County Foundation to initiate the  
2 Leopold Conservation Award here in Nebraska, which  
3 will be awarded to a private landowner at our annual  
4 convention in November. Again, I thank you for the  
5 opportunity to comment.

6 MS. LINNENBRINK: Thank you. Card  
7 number 51? Fifty-two (52)?

8 MR. SCHEER: Good afternoon. Michael  
9 Scheer, M-I-C-H-A- --

10 MS. LINNENBRINK: Can you just fix  
11 that up a little bit? I'm not sure that they can  
12 hear you. Thank you.

13 MR. SCHEER: M-I- -- Mike --

14 MS. LINNENBRINK: Sorry.

15 MR. SCHEER: -- Scheer, S-C-H-E-E-R,  
16 out of Kansas, a landowner and operator. I was  
17 asked to come to visit a little bit about the LIP  
18 program, Land Incentive Program, and I've also been  
19 a participant in the CSP program that started in  
20 2004. These programs have been very beneficial  
21 as we have worked with the Wildlife and Parks to  
22 build a relationship to understand what their needs  
23 are and what our needs are to work towards a  
24 conservation effort on our private lands as -- for  
25 the future growth and potential of them. These

1 relationships that we're starting to cultivate with  
2 these new programs are something that we can,  
3 hopefully, build in the future towards new programs  
4 that continue this conservation effort. These  
5 efforts could not be recognized without the monetary  
6 efforts of the government and stuff in their  
  
7 applications. These are also excellent  
8 opportunities to educate the surrounding farmers  
9 plus the communities and -- communities, plus the  
10 people in cities and such so that they have a better  
11 understanding and have a participation towards these  
12 projects, too.

13                   We feel -- I think you have -- like a  
14 person before said, we have the right people in  
  
15 place; you have great specialists. It's just a  
16 matter of getting these people together with the  
17 right people that are progressively minded so that  
18 they can take these ideas forward to accomplish  
19 greater things for the future. Instead of dwelling  
20 on the past, we can progressively move forward. I  
21 think these new programs should get a good looking  
22 at. I think we're just at the tip of what they can  
23 become. I sure hope that they can continue in the  
24 future.

25                   Another little side note, I think we

1    need to look at how to develop more rural people so  
2    that when these programs are implemented, there is  
3    somebody to carry this on.  So thank you for your  
4    time.

5                   MS. LINNENBRINK:  Thank you very much.  
6    Fifty-three (53)?  Fifty-four (54)?  Can  
7    I ask card number 55 through 60 to please come  
8    up to the front and sit in the chairs behind the  
9    microphone?

10                  MS. WATKINS:  Hi, my name is Cammy,  
11    C-A-M-M-Y, Watkins, W-A-T-K-I-N-S, and I'm from  
12    Omaha, Nebraska, and I represent the Nebraska Sierra  
13    Club.  The Nebraska chapter of the Sierra Club  
14    supports collaborative efforts between government  
  
15    and private entities to protect our natural  
16    resources.  Our fundamental principles -- principle  
17    is to protect and, to the extent possible, enhance  
18    our natural resources.  We believe this goal is best  
19    achieved when there is widespread support and  
20    understanding of the needs and benefits involved.  
21    For example, public opinion polling consistently  
22    shows strong support for measures that protect water  
23    and air quality, including support for taxes and  
24    user fees to aid in achieving this goal.  The  
25    Nebraska Chapter of the Sierra Club is actively

1 involved in seeking common ground and cooperative  
2 relationships with public and private organizations  
3 in the effort to protect our natural resources. For  
4 example, the Sierra Club is currently working with  
5 the Nebraska Cattlemen to identify and support  
6 livestock producers who protect and enhance our  
7 natural resources, as well as the Sierra Club has  
8 consistently supported the Nebraska Environmental  
9 Trust, which has funded both public and private  
10 sector efforts to protect and enhance the  
11 environment. However, we must recognize that  
12 Cooperative Conservation efforts are only successful  
13 when they complement, not replace, current  
14 environmental protections.

15                   At the Sierra Club, we believe that  
16 private landowners can work cooperatively with  
17 the Endangered Species Act. Private owners are  
18 essentially part -- are essential players in efforts  
19 to conserve fish, wildlife and plants facing  
20 extinction. Approximately, 60 percent of all land  
21 in the United States is privately owned. This  
22 includes roughly 75 percent of all wetlands, which  
23 provide important habitats for an estimated  
24 60 percent of species listed -- of all the species  
25 that are listed and threatened, and 40 percent of



1 all species listed as endangered. It's not  
2 surprising that, then, roughly 80 percent of all  
3 plants and animals listed on the Endangered Species  
4 Act depend on private lands for their survival and  
5 recovery.

6                   If threatened and endangered species  
7 are to survive and recover, then the active  
8 involvement and cooperation of private landowners  
9 is essential. To help private landowners be good  
10 stewards of the land, the Endangered Species Act  
11 and its related programs have provided tools.  
12 the ESA itself is an example of Cooperative  
13 Conservation. We need to fully fund and expand the  
14 efforts of the Federal government to help provide  
15 private landowners to conserve species while using  
16 the property, including tax credits for landowners  
17 engaged in proactive management of their land.

18                   If Cooperative Conservation efforts  
19 are to succeed, the Federal government must be a  
20 full partner, which means Congress and the  
21 Administration must put more resources and less  
22 rhetoric into conservation efforts. Thank you.

23                   MS. LINNENBRINK: Thank you.

24 Fifty-six (56)?

25                   MR. HOAG: Good afternoon. My name is

1 Dean Hoag, H-O-A-G, and I'm from Union Title of  
2 Lincoln, Nebraska. We do business here in Omaha,  
3 Lincoln and Seward, the Cities (sic) of Seward. I'm  
4 also -- Union Title is an affiliate member of the  
5 Lincoln Homebuilder's Association and the Nebraska  
6 Home -- State Homebuilder's Association.

7                   In talking with my clients who are  
8 developers, builders and landowners, there's two  
9 recurring themes that keep coming up when we're  
10 talking about the Endangered Species Act; the  
11 storm water and the wetlands. The first is the  
12 complicated, redundant and duplicative application  
13 process in trying to get certain things done. The  
14 other theme is the inconsistent regulation of the  
15 acts, throughout the state, federal and local  
16 levels. What I ask today is that you review the  
17 inter-departmental and inter-governmental regulation  
18 between federal, state and local entities, where  
19 then you streamline the application process to not  
20 be so duplicative and be interactive with it.

21                   The other thing is the consistent  
22 regulation of all of the regulatory bodies. Thank  
23 you very much for your time today.

24                   MS. LINNENBRINK: Thank you.  
25 Fifty-seven (57)? Number 58 through 62? Numbers 58

1 through 62? Sixty-three (63)? Sixty-four (64)?

2 Numbers 65 through 70? What number are you, ma'am?

3 THE AUDIENCE MEMBER: Sixty-six (66).

4 MS. LINNENBRINK: Sir?

5 THE AUDIENCE MEMBER: Sixty-seven

6 (67)?

7 MS. LINNENBRINK: Seventy (70)? Okay.

8 Ma'am, would you go first?

9 MS. FITHIAN: My name is Susan

10 Fithian, F-I-T-H-I-A-N, and I reside and own a home

11 in Elkhorn, Nebraska. I represent myself and

12 several Elkhorn residents.

13 Elkhorn is a town of several thousand

14 that neighbors Omaha to the west, in case you

15 don't know where that is. In the nine years

16 I've lived in Elkhorn, Omaha's west growth has

17 engulfed approximately a six-by-four-mile strip

18 of agricultural land with both residential and

19 commercial development. This ag land includes

20 gullies and trees that provide a lot of wildlife

21 habitat in that area. Omaha's expansion is

22 literally, now, touching Elkhorn's borders in

23 certain areas, and we're expecting to be annexed by

24 Omaha very soon, possibly in a couple of months.

25 I'm recommending that Federal government partner

1 with some of our strategically local farmers and  
2 local city governments such as Omaha and Elkhorn to  
3 provide resources such as grants and planning  
4 consultants with the goal of maintaining  
5 agricultural and wildlife greenbelts. We have none,  
6 as far as I can tell. A very small park is going to  
7 be built between the Omaha and Elkhorn area. As far  
8 as I know, that's all we're going to get. In this  
9 way, we may be able to maintain the quality of life  
10 through wildlife habitat and conservation from these  
11 greenbelt areas. Thank you so much for listening.

12 MS. LINNENBRINK: Thank you. Sir, 66;  
13 correct? Are you --

14 THE AUDIENCE MEMBER: Sixty-seven  
15 (67).

16 MS. LINNENBRINK: Sixty-seven (67)?  
17 I'm sorry, go ahead.

18 MR. BEACOM: My name is Bill Beacom,  
19 that's B as in boy, E-A-C-O-M, and I represent  
20 myself and common sense, I'd like to think. It's  
21 fitting that we're here alongside the Missouri River  
22 because most of the environmental confronts (sic) --  
23 fights, I guess, would be the easy way to say it,  
24 have centered around the Missouri River. A lot of  
25 people know that there's tow boats that go up and

1 down the Missouri River, but very few people know  
2 that it is a world-class small-mouth fishery. We  
3 had our tenth annual fishery out in Sioux City, just  
4 last month. I think the total for the winning team  
5 was over 15 pounds, with bass going almost four and  
6 a half pounds.

7                   Now, when I was a boy, there were no  
8 small-mouth bass out here because the environment  
9 would not support the small-mouth bass, but there  
10 were quite a few sturgeon. Now we can't find any  
11 small sturgeon, but we find lots of small-mouth  
12 bass. Now, to me, that, from a common sense  
13 standpoint, would indicate that the environment in  
14 the Missouri River from here to the dam now favors  
15 small-mouth bass, but does not favor the sturgeon,  
16 or they would be there. Now, we go so far as to put  
17 small-mouth -- I mean, the bass -- the sturgeon into  
18 it, but we grow them to nine inches. Now, there  
19 must be a reason for that, and I've concluded that  
20 the reason is not so we can write on the side of  
21 them "endangered species," so, therefore, it must be  
22 another reason. And that reason, if you ask anybody  
23 that knows, says we grow them to be nine inches so  
24 they don't get eaten.

25                   Now, why are we having the spring rise

1 to bring fish into this area to spawn if we know  
2 that they cannot survive unless they get to be nine  
3 inches? It would seem redundant to me to expect  
4 them to exist in the wild, and survive, when we have  
5 already decided that they can't be raised and put  
6 into this river and survive if they're done in a  
7 fishery.

8 MS. LINNENBRINK: Thank you. Seventy  
9 (70)?

10 MR. YODER: Thank you, Director Hall,  
11 I appreciate you taking the time in coming today.  
12 Rick Yoder, Y-O-D-E-R, Rick is spelled with a "K",  
13 "C-K", rather.

14 I have two things to talk to you about  
15 today. One is Tasset Puff Lake. I spent six years  
16 up on the north slope living in the largest native  
17 community there. I still have many friends that are  
18 up there. Both of my beautiful daughters were born  
19 at the Indian Health Service Hospital there. I  
20 lived 80 miles away from Tasset Puff. Many of the  
21 people I know vacation there in the summer.

22 There's an oil lease sale that's going  
23 to happen at the end of next month and the people I  
24 know up there are just -- want to know why. You ask  
25 how can you better respect? They're asking how can

1   you respect the local issues. They've been fishing  
2   there for thousands of years, and, here, a start-up  
3   government thinks that it's better to pull in an oil  
4   well at the largest lake in the county, the burrow  
5   up there.

6                   The county that is the size of  
7   Minnesota or Utah, it is the largest lake in  
8   that county. It's like putting in an oil well at  
9   Lake McConaughy for all of these folks, or the cabin  
10   in Minnesota, or Lake Okoboji for the folks that I  
11   know. That's one thing.

12                  The second thing is I do work with the  
13   Federal government and I do hope that you consider  
14   making information more easily accessible for those  
15   of us who are working on the Web. RSS or XML  
16   technology is something that I know your web people  
17   are thinking about, or may be even starting to use.  
18   I wish you'd accelerate that. Google Maps now  
19   allows for NASHA, through their, what they call an  
20   API, where people can overlay on the basic  
21   information that you have a great deal of. So I  
22   guess what I'm talking about is letting other  
23   communities, local communities, NGOs, start to work  
24   with the tons of information that you have. Please  
25   make it more accessible.

1 Do I still have a few more seconds?

2 MS. LINNENBRINK: (Nodding.)

3 MR. YODER: Then what I would say is  
4 that the last thing you can do to all -- to answer  
5 all five questions is to promote a conservation  
6 ethic: We all turn off our cell phones because our  
7 individual need does not exceed the group's need to  
8 communicate well. Likewise, a landowner's  
9 individual needs should not exceed our group needs  
10 to have safe water, clean water. Here in Nebraska,  
11 we have problems with e-coli, pathogens in our  
12 waterways and there's the hypoxia in the Gulf due to  
13 individual needs superseding the group needs. Thank  
14 you.

15 MS. LINNENBRINK: Can I have card  
16 number 71 through 80 please come up to the  
17 microphone? Seventy-one (71) through 80?

18 Sir, do you have a card?

19 THE AUDIENCE MEMBER: Seventy-eight  
20 (78).

21 MS. LINNENBRINK: Any others?  
22 Seventy-one (71) through 80? Any others?  
23 Seventy-one (71) through 80? Do you have one, sir?  
24 What's your number?

25 THE AUDIENCE MEMBER: Eighty (80).



1                   MS. LINNENBRINK: All right. Go  
2 ahead, sir.

3                   MR. TAFANELLI: Thank you. My name is  
4 Lee Tafanelli, T-A-F-A-N-E-L-L-I, and I represent  
  
5 the 47th District in the House of Representatives in  
6 the Kansas Legislature, and I appreciate the  
7 opportunity to speak today about an issue that's  
8 important to the people and the economy of my  
9 district and the State of Kansas. I am from  
10 Ozawkie, Kansas, a community adjacent to the Perry  
11 Reservoir. Perry is one of three reservoirs in  
12 northeast Kansas that the Corps of Engineers  
13 releases water from for Missouri River navigation.  
14 And each time this happens, the economy of my  
15 district is damaged. This listening tour has been  
16 advertised as an opportunity to communicate with  
17 Federal agencies on important resource issues. As  
18 an opportunity to improve resource management in  
19 that light, we understand that water has many uses:  
20 Our lake is used for flood control, municipal water  
21 supply, and many other uses, including a recreation  
22 industry that is very important and vital to our  
23 regional economy. We understand that there are  
24 trade-offs between uses; what we cannot understand  
25 is a decision to release water when there is no

1     identifiable benefit, but there is very identifiable  
2     impact. Releases from Kansas lakes for navigation,  
3     at best, increases the water level in Kansas City by  
4     a few inches and the release can only be maintained  
5     for a few weeks before the water is depleted. By  
6     the time this water reaches the Mississippi River  
7     near St. Louis, it is impossible to even identify a  
8     change in water level, but, at the same time, our  
9     lakes are lowered as much as six feet, making access  
10    difficult and increasing the risk to municipal water  
11    supplies.

12                   Also, it is difficult to understand  
13    why a Federal agency, the Corps of Engineers, would  
14    treat states differently. While the four (sic)  
15    downstream states, Kansas, Iowa and Missouri, all  
16    have lakes that have navigation listed as one of the  
17    authorized or possible uses, Kansas is the only one  
18    that is asked to release water. When we question  
19    navigation releases from the Kansas reservoir, the  
20    Corps reminds us about authorizing language from the  
21    Flood Control Act of 1944 that requires them to do  
22    that. Yet, again, no navigation releases are made  
23    from Missouri or Iowa. How can Federal law dictate  
24    releases only in selected states but not others?

25                   We ask, getting to the meat of what

1     you can do, we ask the Federal government to manage  
2     the limited water resources of this river system in  
3     the way that meets contemporary needs, we urge this  
4     Federal government to manage it wisely, and we ask  
5     that the Federal government manage the system for  
6     the maximum benefit, not just for the benefit of one  
7     agency.

8                     Water releases for navigational  
9     purposes from Kansas reservoirs cannot be justified  
10    and we ask you to stop this practice.

11                    If, indeed, the Flood Control Act of  
12    1944 is the reason, then maybe it is time that we  
13    re-evaluate this law and revise it to meet the  
14    contemporary needs of the nation. Thank you.

15                    MS. LINNENBRINK: Thank you. Eighty  
16    (80)?

17                    THE AUDIENCE MEMBER: Seventy-nine  
18    (79).

19                    MS. LINNENBRINK: I apologize, 79.

20                    MR. LEUIS: Thank you. My name is  
21    Erl Lewis, E-R-L, L-E-U-I-S. I am with the Kansas  
22    Water office in Topeka, Kansas. The Kansas Water  
23    office is the State of Kansas Water Planning and  
24    Policy Agency. As such, we obviously have a lot of  
25    coordination and agreements with Federal agencies

1 ranging throughout the Department of Interior  
2 through USGS, Bureau of Reclamation, Corps of  
3 Engineers, EPA and the Department of Agriculture  
4 through the NRCS Farm Service Resource Conservation  
5 and Development.

6                   What I think occurred in a number of  
7 these presentations today, and the presentations you  
8 folks presented at the beginning here, these issues  
9 we're dealing with, conservation and environmental  
10 issues, are very complex. They take activity and  
11 cooperation of all levels of government, down to the  
12 individual landowner, in order to be successful.  
13 That's the type of system that we've seen be  
14 successful, not only in Nebraska, as we've heard,  
15 but in Kansas as well.

16                   So what can the Federal government do  
17 to improve those issues, what can they bring to the  
18 table? The Federal agencies, as we have seen, have  
19 not only the financial resources, but they have  
20 technical and professional staff that, in many  
21 cases, state agencies and local units of governments  
22 don't have. What we need to do is be able to  
23 provide those resources in a more efficient and a  
24 more flexible, responsive manner. A lot of the  
25 processes that were put in place in some of these

1 federal agencies were really put into place at a  
2 time when the United States was in a development  
3 situation, when a lot of our large reservoirs, a lot  
4 of our levee systems, a lot of those conservation  
5 practices of the '50s and '60s were put into place,  
6 and it made sense, during those times, to take a  
7 very step-wise approach to studying implementation.  
8 That's not the situation and problems that we're  
9 dealing with here today. Today we're dealing with a  
10 lot of issues that, while the issues grow slowly,  
11 the opportunities often come very quickly. When  
12 there's an opportunity that comes up, as we've been  
13 experiencing here in the last few years, drought,  
14 while causing many problems, has led a lot of folks  
15 kind of to the realization that they need to be  
16 thinking about the future and how they can conserve  
17 water and what they can do. That's kind of the  
18 opportunity that brings folks to the table.

19                   The problem we see is, when folks  
20 finally realize there's an issue that needs to be  
21 brought to the table, the Federal government is two  
22 years away from being able to help out. We need to  
23 change that, make Federal funds more flexible  
24 between the agencies and between the states so that  
25 we can get that money and those resources on the

1 ground quicker. We need to make sure that when  
2 those folks are ready to take action, that the  
3 Federal agencies are responsive, that they get their  
4 folks (sic) on the ground to the right people and  
5 the right places at the right time. And I want to  
6 thank you again for the opportunity to speak here  
7 today and coming to listen to us. Thank you.

8 MS. LINNENBRINK: Thank you. Eighty  
9 (80), card number 80? I'd like to ask number 81  
10 through 90 to please come up to the front and sit in  
11 the chairs behind the microphone.

12 MR. ADAMS: Thank you. My name is  
13 Steve Adams and I'm with the Kansas Department of  
14 Wildlife and Parks, and, Mr. Director, we thank you  
15 very much for being here today, we understand how  
16 busy your schedule is.

17 We have several things that we would  
18 like to talk about. First of all, I'm very happy  
19 to appear here today and tell you that there are  
20 very -- there have been very many positive  
21 cooperative projects between the Federal agencies  
22 and the state of Kansas, and particularly the agency  
23 that I work for. With the Bureau of Reclamation,  
24 the Fish and Wildlife Service, the Corps of  
25 Engineers, the Park Service and the USDA, we have

1 many on-the-ground projects that go to the core of  
2 Cooperative Conservation and they're very vital. We  
3 view the Federal agencies as partners and they are  
4 extremely important in our efforts to accomplish our  
5 mission for the people of the State of Kansas. And,  
6 just to mention a few of those cooperative efforts,  
7 we're very fortunate in Kansas to have a very large  
8 Tallgrass Prairie that is really a prize, a jewel,  
9 to our state in an area known as the Flint Hills.  
10 Your staff, Mr. Director, is very important in the  
11 efforts to manage and maintain that Tallgrass  
12 Prairie, as well as representatives from USDA and  
13 other agencies.

14 In addition, we have a very good  
15 cooperative project in sister management areas,  
16 Quivira National Wildlife Refuge and Cheyenne  
17 Bottoms, a large wetland complex that we manage,  
18 that are located very close to each other, but the  
19 cooperative efforts of our staff to manage the water  
20 fowl and migration and shore bird migration through  
21 those areas, both of which have been named as  
22 wetlands of international importance, are very  
23 important to our state and we appreciate those  
24 efforts. In addition, unfortunately, we have a  
25 legacy in a Superfund site in southwest Kansas, and

1     that is the legacy of mining from a hundred years  
2     ago. Again, staff from EPA, geological survey and  
3     your staff have been critical in making the progress  
4     that we have in those areas.

5                     One other thing I want to mention, in  
6     terms of the agencies, is the importance of the  
7     state offices and the importance of the coordinators  
8     or staff that you have assigned to work with the  
9     states in many of these areas. Those are critical  
10    in keeping these programs on the ground.

11                    Finally, I want to mention the  
12    Missouri River. One area where we do have concerns,  
13    and you've heard from the previous two speakers, is  
14    how the water is managed in the Missouri River.  
15    Releases from Kansas reservoirs, once again, we  
16    believe, cannot be justified; it's too little, too  
17    little volume, makes no difference to that industry,  
18    and we feel like it cannot be justified to make  
19    those releases and we ask that that be ceased. It  
20    does directly harm Kansas and we do not understand  
21    why the states are treated differently. We believe  
22    that this is a time for leadership. We believe this  
23    is a time for solutions. And we would ask for your  
24    help in meeting those changes. If that is an  
25    administrative issue --



1 MS. LINNENBRINK: Thank you.

2 MR. ADAMS: -- we'd ask that that be  
3 reviewed. Thank you very much.

4 MS. LINNENBRINK: Eighty-one (81), is  
5 there any, 81 through 90? Eighty-one (81) through  
6 90? Ninety-one (91)? Ninety-two (92) through 98?

7 Sir, what number are you?

8 THE AUDIENCE MEMBER: Ninety-six (96).

9 MS. LINNENBRINK: Is there anybody  
10 with a card under number 96? (No response.) All  
11 right.

12 MR. BYRD: Good afternoon. Scott  
13 Byrd, B-Y-R-D. I'm a home builder, past president  
14 of our local association, will be state president  
15 next year.

16 I'm watching our -- let me back up. I  
17 really learned a lot today. I thought this would be  
18 boring. You had wonderful speakers, I learned a lot  
19 about what you do, what this agency does and the  
20 battles that we're fighting.

21 I'm watching our industry try to  
22 comply. Finding that what the EPA has as value and  
23 we need to do our part. For our developers and  
24 builders, if an inspector comes onto our sites and  
25 finds us not in compliance, there's an immediate



1 THE AUDIENCE MEMBER: (Indicating.)

2 MS. LINNENBRINK: Yes, ma'am?

3 THE AUDIENCE MEMBER: I'm actually out  
4 of order, I'm 95.

5 MS. LINNENBRINK: Ninety-five (95)?  
6 My apologies, I skipped you.

7 THE AUDIENCE MEMBER: No, I didn't  
8 have the courage.

9 MS. LINNENBRINK: Come on up.

10 MS. WRIGHT: My name is Barbara  
11 Wright, B-A-R-B-A-R-A, W-R-I-G-H-T, and I'm a  
12 landowner. I've owned ag land since -- I've lived  
13 on it since 1986 here where development is coming  
14 out towards me. Anyway, my concern, I am very  
15 concerned with the United States Government, the  
16 Federal government agencies walking hand-in-hand  
17 with the United Nations more and more. And the  
18 United Nations charter, principles of that charter,  
19 are incompatible with the principles of liberty and  
20 inalienable rights, especially strong, private  
21 property rights. And I've been involved in, you  
22 know, the Conservation Reserve Program and felt very  
23 trusting of the Federal government, but I have to  
24 tell you, it's really making me step back and be  
25 sort of -- feel very untrusting towards the Federal

1 government. I saw the United Nations in Sydney, on  
2 a website that had the -- where the United States,  
3 USDA -- and, you know, I guess I would just say to  
4 President Bush, if you are not ready to give up your  
5 United States citizenship to go move to some other  
6 country, then, please, don't make America -- don't  
7 let the United Nations make America like other  
8 countries. Because if we lose our freedom and our  
9 strong property rights here in -- all of our rights  
10 here, there will be no place for American refugees  
11 to go to a free country.

12                   And, so, if you want to motivate  
13 me as a landowner, I'm already motivated; what  
14 motivates me is my property rights, that land is  
15 mine. And anything that sounds like a mandate is  
16 very demotivating to me. If you just leave me be  
17 free and have my rights, even rights to develop my  
18 land, you know, I would do that in a very reasonable  
19 way -- don't take away my rights and you will --  
20 you've got somebody that is -- absolutely loves the  
21 environment, I love what God has made, I bought  
22 natural resources (sic) instead of an expensive  
23 man-made house, and so when you talk about natural  
24 resources, please respect private ownership, don't  
25 lump all of them into the country's natural

1 resources, they belong -- some of them, to the  
2 nation, but a lot of them belong to the private  
3 property owners. So give me my freedom and my  
4 rights and, I mean, I'll take care of the  
5 environment. I love wildlife, I love to take care  
6 of the environment.

7 MS. LINNENBRINK: Thank you.

8 Any others? Ninety-five (95) through  
9 100, card numbers 95 through 100? I believe we  
10 passed out 98 cards. Is there anybody that has a  
11 higher card than 100?

12 All right. At this time, if you did  
13 not receive a card and you have not spoken yet, if  
14 you'd like to, you may come up to the microphone at  
15 this time and make a comment. Is there anybody that  
16 would like to make a comment at this time that  
17 haven't already done so? (No response.) All right.  
18 Thank you.

19 I'm now going to turn the podium back  
20 over to Director Hall to close out this session. He  
21 has a few closing remarks and then, after he  
22 provides closing remarks, I will adjourn this  
23 listening session. Thank you.

24 DIRECTOR HALL: Thank you, Monica.  
25 Thank all of you for being here and if you see

1 friends that left earlier, tell them how much I  
2 personally appreciated the words that were said  
3 here today. You know, I've been with the Fish  
4 and Wildlife Service for 28 years and there are  
5 certain occasions when my heart swells, and, today,  
6 listening to conservationists from every walk of  
7 life stand in front of the microphone and say, we  
8 want to do our part, we want good natural resources,  
9 we want good communities, we want clean water, we  
10 want good business, we want all of the same values,  
  
11 we share them together. And when I heard a lot  
12 of the property owners talking here, you know,  
13 I've been with the Fish and Wildlife Service for  
14 28 years, so I've worked in a lot of different  
15 places across the country, and I can honestly say  
16 that I've never met a landowner that was not a  
17 conservationist and a land steward. And I think  
18 what also several people brought up is something  
19 that's very important, and that is, we have to  
20 recognize that if we're going to have those land  
21 stewards, those land stewards have to be left  
22 standing. They have to be able to make a living  
23 off of their properties. The waterways have to be  
24 there for all of the people to enjoy together and  
25 recognize and listen to each other on how we use the

1     waters and what we do with them.

2                     I took a lot of notes today. Those  
3     from the homebuilder's industry, I will pass those  
4     notes on to EPA. I have some fairly regular contact  
5     with one of the assistant administrators of EPA and  
6     I'll make sure that they know those comments as  
7     well.

8                     The LIP, the Landowner Incentive  
9     Program, I can tell you that I'm a strong supporter  
10    of these programs that are out there because I  
11    believe they do make the difference, but I can also  
12    tell you that Deputy Secretary of the Interior,  
13    Lynn Scarlett, the Secretary of the Interior,  
14    Dirk Kempthorne are also just as adamant and  
15    supportive of those. And so we're going to keep  
16    trying to do anything we can to have those programs  
17    for you. A lot of good suggestions on ways that  
18    maybe we can administer the program a little better,  
19    give a little bit more latitude in working. We'll  
20    certainly roll all that into consideration and see  
21    what we can do to allow you the freedom to go do the  
22    kind of innovative things that need to be done.

23                    So, I want to tell you again, thank  
24    you for coming today, but I really want to thank you  
25    for everything that you do every day, because

1 conservation in this country lives in the hearts of  
2 the citizenry or it does not live at all. And,  
3 today, I know it lives strong. So thank you all  
4 very much. (Applause.)

5 MS. LINNENBRINK: Thank you, Director  
6 Hall, for joining us, and those closing remarks.  
7 Thank you, everyone in the audience, for spending  
8 the afternoon with us today. I'll adjourn this  
9 meeting now and I hope that everybody has a great  
10 evening.

11 (Whereupon, this Cooperative  
12 Conservation listening session was  
13 concluded at the hour of 3:26 p.m.)

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C E R T I F I C A T E

I, Denise Lukasiewicz, Court Reporter and General Notary Public in and for the State of Nebraska, do hereby certify that this Cooperative Conservation Listening Session as above set forth was reduced to print under my direction by means of computer-assisted transcription.

That I am not counsel, attorney, or relative of any of the parties involved, or otherwise interested in the event of this conference.

DENISE J. LUKASIEWICZ  
COURT REPORTER AND  
GENERAL NOTARY PUBLIC